

107TH CONGRESS  
1ST SESSION

# S. 16

To improve law enforcement, crime prevention, and victim assistance in the  
21st century.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mrs. BOXER, Mr. BREAUX, Mrs. CLINTON, Mr. CORZINE, Mr. ROCKEFELLER, Mr. LEVIN, Mr. JOHNSON, Mr. KERRY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To improve law enforcement, crime prevention, and victim  
assistance in the 21st century.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “21st Century Law Enforcement, Crime Prevention, and  
6 Victims Assistance Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—SUPPORTING LAW ENFORCEMENT AND THE  
EFFECTIVE ADMINISTRATION OF JUSTICE

Subtitle A—Support for Community Personnel

Sec. 1101. 21st Century Community Policing Initiative.

Subtitle B—Protecting Federal, State, and Local Law Enforcement Officers  
and the Judiciary

Sec. 1201. Expansion of protection of Federal officers and employees from murder due to their status.

Sec. 1202. Assaulting, resisting, or impeding certain officers or employees.

Sec. 1203. Influencing, impeding, or retaliating against a Federal official by threatening a family member.

Sec. 1204. Mailing threatening communications.

Sec. 1205. Amendment of the sentencing guidelines for assaults and threats against Federal judges and certain other Federal officials and employees.

Sec. 1206. Killing persons aiding Federal investigations or State correctional officers.

Sec. 1207. Killing State correctional officers.

Sec. 1208. Establishment of protective function privilege.

Subtitle C—Disarming Felons and Protecting Children From Violence

PART 1—EXTENSION OF PROJECT EXILE

Sec. 1311. Authorization of funding for additional State and local gun prosecutors.

Sec. 1312. Authorization of funding for additional Federal firearms prosecutors and gun enforcement teams.

PART 2—EXPANSION OF THE YOUTH CRIME GUN INTERDICTION INITIATIVE

Sec. 1321. Youth Crime Gun Interdiction Initiative.

PART 3—GUN OFFENSES

Sec. 1331. Gun ban for dangerous juvenile offenders.

Sec. 1332. Improving firearms safety.

Sec. 1333. Juvenile handgun safety.

Sec. 1334. Serious juvenile drug offenses as armed career criminal predicates.

Sec. 1335. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime.

Sec. 1336. Increased penalty for firearms conspiracy.

PART 4—CLOSING THE GUN SHOW LOOPHOLE

Sec. 1341. Extension of Brady background checks to gun shows.

Subtitle D—Assistance to States for Prosecuting and Punishing Juvenile  
Offenders, and Reducing Juvenile Crime

Sec. 1401. Juvenile and violent offender incarceration grants.

Sec. 1402. Certain punishment and graduated sanctions for youth offenders.

Sec. 1403. Pilot program to promote replication of recent successful juvenile crime reduction strategies.

Sec. 1404. Reimbursement of States for costs of incarcerating juvenile alien offenders.

Subtitle E—Ballistics, Law Assistance, and Safety Technology

Sec. 1501. Short title.  
 Sec. 1502. Purposes.  
 Sec. 1503. Definition of ballistics.  
 Sec. 1504. Test firing and automated storage of ballistics records.  
 Sec. 1505. Privacy rights of law abiding citizens.  
 Sec. 1506. Demonstration firearm crime reduction strategy.

Subtitle F—Offender Reentry and Community Safety

Sec. 1601. Short title.  
 Sec. 1602. Findings.  
 Sec. 1603. Purposes.

PART 1—FEDERAL REENTRY DEMONSTRATION PROJECTS

Sec. 1611. Federal reentry center demonstration.  
 Sec. 1612. Federal high-risk offender reentry demonstration.  
 Sec. 1613. District of Columbia Intensive Supervision, Tracking, and Reentry Training (DC iSTART) Demonstration.  
 Sec. 1614. Federal Intensive Supervision, Tracking, and Reentry Training (FED iSTART) Demonstration.  
 Sec. 1615. Federal enhanced in-prison vocational assessment and training and demonstration.  
 Sec. 1616. Research and reports to Congress.  
 Sec. 1617. Definitions.  
 Sec. 1618. Authorization of appropriations.

PART 2—STATE REENTRY GRANT PROGRAMS

Sec. 1621. Amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

TITLE II—STRENGTHENING THE FEDERAL CRIMINAL LAWS

Subtitle A—Combating Gang Violence

PART 1—ENHANCED PENALTIES FOR GANG-RELATED ACTIVITIES

Sec. 2101. Gang franchising.  
 Sec. 2102. Enhanced penalty for use or recruitment of minors in gangs.  
 Sec. 2103. Gang franchising as a RICO predicate.  
 Sec. 2104. Increase in offense level for participation in crime as gang member.  
 Sec. 2105. Enhanced penalty for discharge of firearms in relation to counts of violence or drug trafficking crimes.  
 Sec. 2106. Punishment of arson or bombing at facilities receiving Federal financial assistance.  
 Sec. 2107. Elimination of statute of limitations for murder.  
 Sec. 2108. Extension of statute of limitations for violent and drug trafficking crimes.  
 Sec. 2109. Increased penalties under the RICO law for gang and violent crimes.  
 Sec. 2110. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.  
 Sec. 2111. Facilitating the prosecution of carjacking offenses.

- Sec. 2112. Facilitation of RICO prosecutions.
- Sec. 2113. Assault as a RICO predicate.
- Sec. 2114. Expansion of definition of “racketeering activity” to affect gangs in Indian country.
- Sec. 2115. Increased penalties for violence in the course of riot offenses.
- Sec. 2116. Expansion of Federal jurisdiction over crimes occurring in private penal facilities housing Federal prisoners or prisoners from other States.

#### PART 2—TARGETING GANG-RELATED GUN OFFENSES

- Sec. 2121. Transfer of firearm to commit a crime of violence.
- Sec. 2122. Increased penalty for knowingly receiving firearm with obliterated serial number.
- Sec. 2123. Amendment of the sentencing guidelines for transfers of firearms to prohibited persons.

#### PART 3—USING AND PROTECTING WITNESSES TO HELP PROSECUTE GANGS AND OTHER VIOLENT CRIMINALS

- Sec. 2131. Interstate travel to engage in witness intimidation or obstruction of justice.
- Sec. 2132. Expanding pretrial detention eligibility for serious gang and other violent criminals.
- Sec. 2133. Conspiracy penalty for obstruction of justice offenses involving victims, witnesses, and informants.
- Sec. 2134. Allowing a reduction of sentence for providing useful investigative information although not regarding a particular individual.
- Sec. 2135. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
- Sec. 2136. Expansion of Federal kidnapping offense to cover when death of victim occurs before crossing State line and when facility in interstate commerce or the mails are used.
- Sec. 2137. Assaults or other crimes of violence for hire.
- Sec. 2138. Clarification of interstate threat statute to cover threats to kill.
- Sec. 2139. Conforming amendment to law punishing obstruction of justice by notification of existence of a subpoena for records in certain types of investigations.

#### PART 4—GANG PARAPHERNALIA

- Sec. 2141. Streamlining procedures for law enforcement access to clone numeric pagers.
- Sec. 2142. Sentencing enhancement for using body armor in commission of a felony.
- Sec. 2143. Sentencing enhancement for using laser sighting devices in commission of a felony.
- Sec. 2144. Government access to location information.
- Sec. 2145. Limitation on obtaining transactional information from pen registers or trap and trace devices.

#### Subtitle B—Combating Money Laundering

- Sec. 2201. Short title.
- Sec. 2202. Illegal money transmitting businesses.
- Sec. 2203. Restraint of assets of persons arrested abroad.
- Sec. 2204. Civil money laundering jurisdiction over foreign persons.

- Sec. 2205. Punishment of laundering money through foreign banks.
- Sec. 2206. Addition of serious foreign crimes to list of money laundering predicates.
- Sec. 2207. Criminal forfeiture for money laundering conspiracies.
- Sec. 2208. Fungible property in foreign bank accounts.
- Sec. 2209. Admissibility of foreign business records.
- Sec. 2210. Charging money laundering as a course of conduct.
- Sec. 2211. Venue in money laundering cases.
- Sec. 2212. Technical amendment to restore wiretap authority for certain money laundering offenses.
- Sec. 2213. Criminal penalties for violations of anti-money laundering orders.
- Sec. 2214. Encouraging financial institutions to notify law enforcement authorities of suspicious financial transactions.
- Sec. 2215. Coverage of foreign bank branches in the territories.
- Sec. 2216. Conforming statute of limitations amendment for certain bank fraud offenses.
- Sec. 2217. Jurisdiction over certain financial crimes committed abroad.
- Sec. 2218. Knowledge that the property is the proceeds of a felony.
- Sec. 2219. Money laundering transactions; commingled accounts.
- Sec. 2220. Laundering the proceeds of terrorism.
- Sec. 2221. Violations of section 6050i.
- Sec. 2222. Including agencies of tribal governments in the definition of a financial institution.
- Sec. 2223. Penalties for violations of geographic targeting orders and certain recordkeeping requirements.

#### Subtitle C—Antidrug Provisions

- Sec. 2301. Amendments concerning temporary emergency scheduling.
- Sec. 2302. Amendment to reporting requirement for transactions involving certain listed chemicals.
- Sec. 2303. Drug paraphernalia.
- Sec. 2304. Counterfeit substances/imitation controlled substances.
- Sec. 2305. Conforming amendment concerning marijuana plants.
- Sec. 2306. Serious juvenile drug trafficking offenses as armed career criminal act predicates.
- Sec. 2307. Increased penalties for using Federal property to grow or manufacture controlled substances.
- Sec. 2308. Clarification of length of supervised release terms in controlled substance cases.
- Sec. 2309. Supervised release period after conviction for continuing criminal enterprise.
- Sec. 2310. Technical correction to ensure compliance of sentencing guidelines with provisions of all Federal statutes.
- Sec. 2311. Import and export of chemicals used to produce illicit drugs.

#### Subtitle D—Deterring Cargo Theft

- Sec. 2351. Punishment of cargo theft.
- Sec. 2352. Reports to Congress on cargo theft.
- Sec. 2353. Establishment of Advisory Committee on Cargo Theft.
- Sec. 2354. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage.
- Sec. 2355. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization.

- Sec. 2356. Larceny involving post office boxes and postal stamp vending machines.
- Sec. 2357. Expansion of Federal theft offenses to cover theft of vessels.

#### Subtitle E—Improvements to Federal Criminal Law

##### PART 1—SENTENCING IMPROVEMENTS

- Sec. 2411. Application of sentencing guidelines to all pertinent statutes.
- Sec. 2412. Doubling maximum penalty for voluntary manslaughter.
- Sec. 2413. Authorization of imposition of both a fine and imprisonment rather than only either penalty in certain offenses.
- Sec. 2414. Addition of supervised release violation as predicates for certain offenses.
- Sec. 2415. Authority of court to impose a sentence of probation or supervised release when reducing a sentence of imprisonment in certain cases.
- Sec. 2416. Elimination of proof of value requirement for felony theft or conversion of grand jury material.
- Sec. 2417. Increased maximum corporate penalty for antitrust violations.
- Sec. 2418. Amendment of Federal sentencing guidelines for counterfeit bearer obligations of the United States.

##### PART 2—ADDITIONAL IMPROVEMENTS TO FEDERAL CRIMINAL LAW

- Sec. 2421. Violence directed at dwellings in Indian country.
- Sec. 2422. Corrections to Amber Hagerman Child Protection Act.
- Sec. 2423. Elimination of “bodily harm” element in assault with a dangerous weapon offense.
- Sec. 2424. Appeals from certain dismissals.
- Sec. 2425. Authority for injunction against disposal of ill-gotten gains from violations of fraud statutes.
- Sec. 2426. Expansion of interstate travel fraud statute to cover interstate travel by perpetrator.
- Sec. 2427. Clarification of scope of unauthorized selling of military medals or decorations.
- Sec. 2428. Amendment to section 669 to conform to Public Law 104–294.
- Sec. 2429. Expansion of jurisdiction over child buying and selling offenses.
- Sec. 2430. Limits on disclosure of wiretap orders.
- Sec. 2431. Prison credit and aging prisoner reform.
- Sec. 2432. Miranda reaffirmation.

#### TITLE III—PROTECTING AMERICANS AND SUPPORTING VICTIMS OF CRIME

##### Subtitle A—Crime Victims Assistance

- Sec. 3101. Short title.

##### PART 1—VICTIM RIGHTS

- Sec. 3111. Right to notice and to be heard concerning detention.
- Sec. 3112. Right to a speedy trial.
- Sec. 3113. Right to notice and to be heard concerning plea.
- Sec. 3114. Enhanced participatory rights at trial.
- Sec. 3115. Right to notice and to be heard concerning sentence.
- Sec. 3116. Right to notice and to be heard concerning sentence adjustment.

- Sec. 3117. Right to notice of release or escape.
- Sec. 3118. Right to notice and to be heard concerning executive clemency.
- Sec. 3119. Remedies for noncompliance.

#### PART 2—VICTIM ASSISTANCE INITIATIVES

- Sec. 3121. Pilot programs to establish ombudsman programs for crime victims.
- Sec. 3122. Amendments to Victims of Crime Act of 1984.
- Sec. 3123. Increased training for law enforcement officers and court personnel to respond to the needs of crime victims.
- Sec. 3124. Increased resources to develop State-of-the-art systems for notifying crime victims of important dates and developments.

#### PART 3—VICTIM-OFFENDER PROGRAMS: “RESTORATIVE JUSTICE”

- Sec. 3131. Pilot program and study on effectiveness of restorative justice approach on behalf of victims of crime.

#### Subtitle B—Violence Against Women Act Enhancements

- Sec. 3201. Shelter services for battered women and children.
- Sec. 3202. Transitional housing assistance for victims of domestic violence.
- Sec. 3203. Family unity demonstration project.

#### Subtitle C—Senior Safety

- Sec. 3301. Short title.
- Sec. 3302. Findings and purposes.
- Sec. 3303. Definitions.

#### PART 1—COMBATING CRIMES AGAINST SENIORS

- Sec. 3311. Enhanced sentencing penalties based on age of victim.
- Sec. 3312. Study and report on health care fraud sentences.
- Sec. 3313. Increased penalties for fraud resulting in serious injury or death.
- Sec. 3314. Safeguarding pension plans from fraud and theft.
- Sec. 3315. Additional civil penalties for defrauding pension plans.
- Sec. 3316. Punishing bribery and graft in connection with employee benefit plans.

#### PART 2—PREVENTING TELEMARKETING FRAUD

- Sec. 3321. Centralized complaint and consumer education service for victims of telemarketing fraud.
- Sec. 3322. Blocking of telemarketing scams.

#### PART 3—PREVENTING HEALTH CARE FRAUD

- Sec. 3331. Injunctive authority relating to false claims and illegal kickback schemes involving Federal health care programs.
- Sec. 3332. Authorized investigative demand procedures.
- Sec. 3333. Extending antifraud safeguards to the Federal employee health benefits program.
- Sec. 3334. Grand jury disclosure.
- Sec. 3335. Increasing the effectiveness of civil investigative demands in false claims investigations.

#### PART 4—PROTECTING THE RIGHTS OF ELDERLY CRIME VICTIMS

- Sec. 3341. Use of forfeited funds to pay restitution to crime victims and regulatory agencies.
- Sec. 3342. Victim restitution.
- Sec. 3343. Bankruptcy proceedings not used to shield illegal gains from false claims.
- Sec. 3344. Forfeiture for retirement offenses.

#### Subtitle D—Violent Crime Reduction Trust Fund

- Sec. 3401. Extension of violent crime reduction trust fund.

### TITLE IV—BREAKING THE CYCLE OF DRUGS AND VIOLENCE

#### Subtitle A—Drug Courts, Drug Treatment, and Alternative Sentencing

##### PART 1—EXPANSION OF DRUG COURTS

- Sec. 4111. Reauthorization of drug courts program.
- Sec. 4112. Juvenile drug courts.

##### PART 2—ZERO TOLERANCE DRUG TESTING

- Sec. 4121. Grant authority.
- Sec. 4122. Administration.
- Sec. 4123. Applications.
- Sec. 4124. Federal share.
- Sec. 4125. Geographic distribution.
- Sec. 4126. Technical assistance, training, and evaluation.
- Sec. 4127. Authorization of appropriations.
- Sec. 4128. Permanent set-aside for research and evaluation.
- Sec. 4129. Additional requirements for the use of funds under the violent offender incarceration and truth-in-sentencing grant programs.

##### PART 3—DRUG TREATMENT

- Sec. 4131. Drug treatment alternative to prison programs administered by State or local prosecutors.
- Sec. 4132. Substance abuse treatment in Federal prisons reauthorization.
- Sec. 4133. Residential substance abuse treatment for State prisoners reauthorization
- Sec. 4134. Drug treatment for juveniles.

##### PART 4—FUNDING FOR DRUG FREE COMMUNITY PROGRAMS

- Sec. 4141. Extension of safe and drug-free schools and communities program.
- Sec. 4142. Say No to Drugs community centers.
- Sec. 4143. Drug education and prevention relating to youth gangs.
- Sec. 4144. Drug education and prevention program for runaway and homeless youth.

#### Subtitle B—Youth Crime Prevention and Juvenile Courts

##### PART 1—GRANTS TO YOUTH ORGANIZATIONS

- Sec. 4211. Grant program.
- Sec. 4212. Grants to national organizations.
- Sec. 4213. Grants to States.
- Sec. 4214. Allocation; grant limitation.



- Sec. 4215. Report and evaluation.
- Sec. 4216. Authorization of appropriations.
- Sec. 4217. Grants to public and private agencies.

#### PART 2—REAUTHORIZATION OF INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

- Sec. 4221. Incentive grants for local delinquency prevention programs.
- Sec. 4222. Research, evaluation, and training.

#### PART 3—JUMP AHEAD

- Sec. 4231. Short title.
- Sec. 4232. Findings.
- Sec. 4233. Juvenile mentoring grants.
- Sec. 4234. Implementation and evaluation grants.
- Sec. 4235. Evaluations; reports.

#### PART 4—TRUANCY PREVENTION

- Sec. 4241. Short title.
- Sec. 4242. Findings.
- Sec. 4243. Grants.

#### PART 5—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT

- Sec. 4251. Short title.
- Sec. 4252. Findings.
- Sec. 4253. Purpose.
- Sec. 4254. Definitions.
- Sec. 4255. Name of office.
- Sec. 4256. Concentration of Federal effort.
- Sec. 4257. Allocation.
- Sec. 4258. State plans.
- Sec. 4259. Juvenile delinquency prevention block grant program.
- Sec. 4260. Research; evaluation; technical assistance; training.
- Sec. 4261. Demonstration projects.
- Sec. 4262. Authorization of appropriations.
- Sec. 4263. Administrative authority.
- Sec. 4264. Use of funds.
- Sec. 4265. Limitation on use of funds.
- Sec. 4266. Rules of construction.
- Sec. 4267. Leasing surplus Federal property.
- Sec. 4268. Issuance of rules.
- Sec. 4269. Technical and conforming amendments.
- Sec. 4270. References.

#### PART 6—LOCAL GUN VIOLENCE PREVENTION PROGRAMS

- Sec. 4271. Competitive grants for children's firearm safety education.
- Sec. 4272. Dissemination of best practices via the Internet.
- Sec. 4273. Grant priority for tracing of guns used in crimes by juveniles.

1 **TITLE I—SUPPORTING LAW EN-**  
 2 **FORCEMENT AND THE EFFEC-**  
 3 **TIVE ADMINISTRATION OF**  
 4 **JUSTICE**

5 **Subtitle A—Support for**  
 6 **Community Personnel**

7 **SEC. 1101. 21ST CENTURY COMMUNITY POLICING INITIA-**  
 8 **TIVE.**

9 (a) COPS PROGRAM.—Section 1701(a) of title I of  
 10 the Omnibus Crime Control and Safe Streets Act of 1968  
 11 (42 U.S.C. 3796dd(a)) is amended by—

12 (1) inserting “and prosecutor” after “increase  
 13 police”; and

14 (2) inserting “to enhance law enforcement ac-  
 15 cess to new technologies, and” after “presence,”.

16 (b) HIRING AND REDEPLOYMENT GRANT  
 17 PROJECTS.—Section 1701(b) of title I of the Omnibus  
 18 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 19 3796dd(b)) is amended—

20 (1) in paragraph (1)—

21 (A) by striking “and” at the end of sub-  
 22 paragraph (B) and inserting after “Nation,”

23 “or pay overtime to existing career law enforce-  
 24 ment officers;”;

1 (B) by striking the period at the end of  
 2 subparagraph (C) and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(D) promote higher education among in-  
 5 service State and local law enforcement officers  
 6 by reimbursing them for the costs associated  
 7 with seeking a college or graduate school edu-  
 8 cation.”; and

9 (2) in paragraph (2), by striking all that follows  
 10 “SUPPORT SYSTEMS.—” and inserting “Grants pur-  
 11 suant to paragraph (1)(A) for overtime may not ex-  
 12 ceed 25 percent of the funds available for grants  
 13 pursuant to this subsection for any fiscal year;  
 14 grants pursuant to paragraph (1)(C) may not exceed  
 15 20 percent of the funds available for grants pursu-  
 16 ant to this subsection in any fiscal year, and grants  
 17 pursuant to paragraph (1)(D) may not exceed 5 per-  
 18 cent of the funds available for grants pursuant to  
 19 this subsection for any fiscal year.”.

20 (c) ADDITIONAL GRANT PROJECTS.—Section  
 21 1701(d) of title I of the Omnibus Crime Control and Safe  
 22 Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

23 (1) in paragraph (2)—

24 (A) by inserting “integrity and ethics”  
 25 after “specialized”; and

1 (B) by inserting “and” after “enforcement  
2 officers”;

3 (2) in paragraph (7), by inserting “school offi-  
4 cials, religiously affiliated organizations,” after “en-  
5 forcement officers”;

6 (3) by striking paragraph (8) and inserting the  
7 following:

8 “(8) establish school-based partnerships be-  
9 tween local law enforcement agencies and local  
10 school systems, by using school resource officers who  
11 operate in and around elementary and secondary  
12 schools to serve as a law enforcement liaison with  
13 other Federal, State, and local law enforcement and  
14 regulatory agencies, combat school-related crime and  
15 disorder problems, gang membership and criminal  
16 activity, firearms and explosives-related incidents, il-  
17 legal use and possession of alcohol and illegal pos-  
18 session, use, and distribution of drugs;”;

19 (4) in paragraph (10), by striking “and” at the  
20 end;

21 (5) in paragraph (11), by striking the period  
22 that appears at the end and inserting a semicolon;  
23 and

24 (6) by adding at the end the following:

1           “(12) develop and implement innovative pro-  
 2           grams (such as the TRIAD program) that bring to-  
 3           gether a community’s sheriff, chief of police, and el-  
 4           derly residents to address the public safety concerns  
 5           of older citizens; and

6           “(13) assist State, local, or tribal prosecutors’  
 7           offices in the implementation of community-based  
 8           programs that build on local community efforts  
 9           through the—

10           “(A) hiring of additional indigent defense  
 11           attorneys to be assigned to community pro-  
 12           grams; and

13           “(B) establishment of programs to assist  
 14           local indigent defense offices in the implementa-  
 15           tion of programs that help them identify and  
 16           respond to priority needs of a community with  
 17           specifically tailored solutions.”.

18           (d) TECHNICAL ASSISTANCE.—Section 1701(f) of  
 19           title I of the Omnibus Crime Control and Safe Streets Act  
 20           of 1968 (42 U.S.C. 3796dd(f)) is amended—

21           (1) in paragraph (1)—

22           (A) by inserting “use up to 5 percent of  
 23           the funds appropriated under subsection (a) to”  
 24           after “The Attorney General may”;

1 (B) by inserting at the end the following:

2 “In addition, the Attorney General may use up  
3 to 5 percent of the funds appropriated under  
4 subsections (d), (e), and (f) for technical assist-  
5 ance and training to States, units of local gov-  
6 ernment, Indian tribal governments, and to  
7 other public and private entities for those re-  
8 spective purposes,”;

9 (2) in paragraph (2), by inserting “under sub-  
10 section (a)” after “the Attorney General”; and

11 (3) in paragraph (3)—

12 (A) by striking “the Attorney General  
13 may” and inserting “the Attorney General  
14 shall”;

15 (B) by inserting “regional community po-  
16licing institutes” after “operation of”; and

17 (C) by inserting “representatives of police  
18labor and management organizations, commu-  
19nity residents,” after “supervisors,”.

20 (e) TECHNOLOGY AND PROSECUTION PROGRAMS.—

21 Section 1701 of title I of the Omnibus Crime Control and  
22 Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended  
23 by—

24 (1) striking subsection (k);

1           (2) redesignating subsections (f) through (j) as  
2           subsections (g) through (k), respectively; and

3           (3) striking subsection (e) and inserting the fol-  
4           lowing:

5           “(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—

6           Grants made under subsection (a) may be used to assist  
7           police departments, in employing professional, scientific,  
8           and technological advancements that will help them—

9           “(1) improve police communications through  
10          the use of wireless communications, computers, soft-  
11          ware, videocams, databases, and other hardware and  
12          software that allow law enforcement agencies to  
13          communicate more effectively across jurisdictional  
14          boundaries and effectuate interoperability;

15          “(2) develop and improve access to crime-solv-  
16          ing technologies, including DNA analysis, photo en-  
17          hancement, voice recognition, and other forensic ca-  
18          pabilities; and

19          “(3) promote comprehensive crime analysis by  
20          utilizing new techniques and technologies, such as  
21          crime mapping, that allow law enforcement agencies  
22          to use real-time crime and arrest data and other re-  
23          lated information, including non-criminal justice  
24          data, to improve their ability to analyze, predict, and

1       respond proactively to local crime and disorder prob-  
2       lems, as well as to engage in regional crime analysis.

3       “(f) COMMUNITY-BASED PROSECUTION PROGRAM.—

4       Grants made under subsection (a) may be used to assist  
5       State, local, or tribal prosecutors’ offices in the implemen-  
6       tation of community-based prosecution programs that  
7       build on local community policing efforts. Funds made  
8       available under this subsection may be used to—

9               “(1) hire additional prosecutors who will be as-  
10       signed to community prosecution programs, includ-  
11       ing (but not limited to) programs that assign pros-  
12       ecutors to handle cases from specific geographic  
13       areas, to address specific violent crime and other  
14       local crime problems (including intensive illegal  
15       gang, gun, and drug enforcement projects and qual-  
16       ity of life initiatives), and to address localized violent  
17       and other crime problems based on needs identified  
18       by local law enforcement agencies, community orga-  
19       nizations, and others;

20               “(2) redeploy existing prosecutors to community  
21       prosecution programs as described in paragraph (1)  
22       of this section by hiring victim and witness coordina-  
23       tors, paralegals, community outreach, and other  
24       such personnel; and



1           “(3) establish programs to assist local prosecu-  
2           tors’ offices in the implementation of programs that  
3           help them identify and respond to priority crime  
4           problems in a community with specifically tailored  
5           solutions.

6   At least 75 percent of the funds made available under this  
7   subsection shall be reserved for grants under paragraphs  
8   (1) and (2) and of those amounts no more than 10 percent  
9   may be used for grants under paragraph (2) and at least  
10  25 percent of the funds shall be reserved for grants under  
11  paragraphs (1) and (2) to units of local government with  
12  a population of less than 50,000.”.

13       (f) RETENTION GRANTS.—Section 1703 of title I of  
14  the Omnibus Crime Control and Safe Streets Act of 1968  
15  (42 U.S.C. 3796dd–2) is amended by inserting at the end  
16  the following:

17       “(d) RETENTION GRANTS.—The Attorney General  
18   may use no more than 50 percent of the funds under sub-  
19   section (a) to award grants targeted specifically for reten-  
20   tion of police officers to grantees in good standing, with  
21   preference to those that demonstrate financial hardship or  
22   severe budget constraint that impacts the entire local  
23   budget and may result in the termination of employment  
24   for police officers funded under subsection (b)(1).”.

1       (g) HIRING COSTS.—Section 1704(c) of title I of the  
 2 Omnibus Crime Control and Safe Streets Act of 1968 (42  
 3 U.S.C. 3796dd–3(c)) is amended by striking “\$75,000”  
 4 and inserting “\$125,000”.

5       (h) DEFINITIONS.—

6           (1) CAREER LAW ENFORCEMENT OFFICER.—  
 7 Section 1709(1) of title I of the Omnibus Crime  
 8 Control and Safe Streets Act of 1968 (42 U.S.C.  
 9 3796dd–8) is amended by inserting after “criminal  
 10 laws” the following: “including sheriffs’ deputies  
 11 charged with supervising offenders who are released  
 12 into the community but also engaged in local com-  
 13 munity policing efforts.”.

14          (2) SCHOOL RESOURCE OFFICER.—Section  
 15 1709(4) of title I of the Omnibus Crime Control and  
 16 Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is  
 17 amended—

18           (A) by striking subparagraph (A) and in-  
 19 serting the following:

20           “(A) to serve as a law enforcement liaison  
 21 with other Federal, State, and local law en-  
 22 forcement and regulatory agencies, to address  
 23 and document crime and disorder problems in-  
 24 cluding gangs and drug activities, firearms and  
 25 explosives-related incidents, and illegal use and

possession of alcohol affecting or occurring in  
or around an elementary or secondary school;”;

(B) by striking subparagraph (E) and inserting the following:

“(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;”;

(C) by adding at the end the following:

“(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

“(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

1           “(J) to document the full description of all  
 2           explosives or explosive devices found or taken  
 3           into custody on school property and report to  
 4           the local office of the Bureau of Alcohol, To-  
 5           bacco, and Firearms; and

6           “(K) to assist school administrators with  
 7           the preparation of the Department of Edu-  
 8           cation, Annual Report on State Implementation  
 9           of the Gun-Free Schools Act which tracks the  
 10          number of students expelled per year for bring-  
 11          ing a weapon, firearm, or explosive to school.”.

12          (i) AUTHORIZATION OF APPROPRIATIONS.—Section  
 13          1001(a)(11) of title I of the Omnibus Crime Control and  
 14          Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is  
 15          amended—

16               (1) by amending subparagraph (A) to read as  
 17          follows:

18               “(A) There are authorized to be appro-  
 19               priated to carry out part Q, to remain available  
 20               until expended—

21                       “(i) \$1,150,000,000 for fiscal year  
 22                       2002;

23                       “(ii) \$1,150,000,000 for fiscal year  
 24                       2003;

1 “(iii) \$1,150,000,000 for fiscal year  
2 2004;

3 “(iv) \$1,150,000,000 for fiscal year  
4 2005;

5 “(v) \$1,150,000,000 for fiscal year  
6 2006; and

7 “(vi) \$1,150,000,000 for fiscal year  
8 2007.”; and

9 (2) in subparagraph (B)—

10 (A) by striking “3 percent” and inserting  
11 “5 percent”;

12 (B) by striking “85 percent” and inserting  
13 “\$600,000,000”; and

14 (C) by striking “1701(b),” and all that fol-  
15 lows through “of part Q” and inserting the fol-  
16 lowing: “1701 (b) and (c), \$350,000,000 to  
17 grants for the purposes specified in section  
18 1701(f), and \$200,000,000 to grants for the  
19 purposes specified in section 1701(g).”.

1 **Subtitle B—Protecting Federal,**  
2 **State, and Local Law Enforce-**  
3 **ment Officers and the Judiciary**

4 **SEC. 1201. EXPANSION OF PROTECTION OF FEDERAL OFFI-**  
5 **CERS AND EMPLOYEES FROM MURDER DUE**  
6 **TO THEIR STATUS.**

7 Section 1114 of title 18, United States Code, is  
8 amended—

9 (1) by inserting “or because of the status of the  
10 victim as such an officer or employee,” after “on ac-  
11 count of the performance of official duties,”; and

12 (2) by inserting “or, if the person assisting is  
13 an officer or employee of a State or local govern-  
14 ment, because of the status of the victim as such an  
15 officer or employee,” after “on account of that as-  
16 sistance,”.

17 **SEC. 1202. ASSAULTING, RESISTING, OR IMPEDING CER-**  
18 **TAIN OFFICERS OR EMPLOYEES.**

19 Section 111 of title 18, United States Code, is  
20 amended—

21 (1) in subsection (a), by striking “three” and  
22 inserting “12”; and

23 (2) in subsection (b), by striking “ten” and in-  
24 serting “20”.

1 **SEC. 1203. INFLUENCING, IMPEDING, OR RETALIATING**  
2 **AGAINST A FEDERAL OFFICIAL BY THREAT-**  
3 **ENING A FAMILY MEMBER.**

4 Section 115(b)(4) of title 18, United States Code, is  
5 amended—

6 (1) by striking “five” and inserting “10”; and

7 (2) by striking “three” and inserting “6”.

8 **SEC. 1204. MAILING THREATENING COMMUNICATIONS.**

9 Section 876 of title 18, United States Code, is  
10 amended—

11 (1) by designating the first 4 undesignated  
12 paragraphs as subsections (a) through (d), respec-  
13 tively;

14 (2) in subsection (c), as so designated, by add-  
15 ing at the end the following: “If such a communica-  
16 tion is addressed to a United States judge, a Fed-  
17 eral law enforcement officer, or an official who is  
18 covered by section 1114, the individual shall be fined  
19 under this title, imprisoned not more than 10 years,  
20 or both.”; and

21 (3) in subsection (d), as so designated, by add-  
22 ing at the end the following: “If such a communica-  
23 tion is addressed to a United States judge, a Fed-  
24 eral law enforcement officer, or an official who is  
25 covered by section 1114, the individual shall be fined

1       under this title, imprisoned not more than 10 years,  
2       or both.”.

3   **SEC. 1205. AMENDMENT OF THE SENTENCING GUIDELINES**  
4                   **FOR ASSAULTS AND THREATS AGAINST FED-**  
5                   **ERAL JUDGES AND CERTAIN OTHER FED-**  
6                   **ERAL OFFICIALS AND EMPLOYEES.**

7       (a) IN GENERAL.—Pursuant to its authority under  
8   section 994 of title 28, United States Code, the United  
9   States Sentencing Commission shall review and amend the  
10   Federal sentencing guidelines and the policy statements  
11   of the Commission, if appropriate, to provide an appro-  
12   priate sentencing enhancement for offenses involving in-  
13   fluencing, assaulting, resisting, impeding, retaliating  
14   against, or threatening a Federal judge, magistrate judge,  
15   or any other official described in section 111 or 115 of  
16   title 18, United States Code.

17       (b) FACTORS FOR CONSIDERATION.—In carrying out  
18   this section, the United States Sentencing Commission  
19   shall consider, with respect to each offense described in  
20   subsection (a)—

- 21               (1) any expression of congressional intent re-  
22       garding the appropriate penalties for the offense;  
23               (2) the range of conduct covered by the offense;  
24               (3) the existing sentences for the offense;



1           (4) the extent to which sentencing enhance-  
2           ments within the Federal sentencing guidelines and  
3           the court's authority to impose a sentence in excess  
4           of the applicable guideline range are adequate to en-  
5           sure punishment at or near the maximum penalty  
6           for the most egregious conduct covered by the of-  
7           fense;

8           (5) the extent to which Federal sentencing  
9           guideline sentences for the offense have been con-  
10          strained by statutory maximum penalties;

11          (6) the extent to which Federal sentencing  
12          guidelines for the offense adequately achieve the  
13          purposes of sentencing as set forth in section  
14          3553(a)(2) of title 18, United States Code;

15          (7) the relationship of Federal sentencing  
16          guidelines for the offense to the Federal sentencing  
17          guidelines for other offenses of comparable serious-  
18          ness; and

19          (8) any other factors that the Commission con-  
20          siders to be appropriate.

21 **SEC. 1206. KILLING PERSONS AIDING FEDERAL INVESTIGA-**  
22 **TIONS OR STATE CORRECTIONAL OFFICERS.**

23          Section 1121(a)(1) of title 18, United States Code,  
24          is amended in the matter preceding subparagraph (A), by

1 inserting “, State, or joint Federal-State” after “a Fed-  
 2 eral”.

3 **SEC. 1207. KILLING STATE CORRECTIONAL OFFICERS.**

4 Section 1121(b)(3) of title 18, United States Code,  
 5 is amended—

6 (1) in subparagraph (A), by striking “or” at  
 7 the end;

8 (2) in subparagraph (B), by striking the period  
 9 at the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(C) the incarcerated person is incarcer-  
 12 ated pending an initial appearance, arraign-  
 13 ment, trial, or appeal for an offense against the  
 14 United States.”.

15 **SEC. 1208. ESTABLISHMENT OF PROTECTIVE FUNCTION**  
 16 **PRIVILEGE.**

17 (a) FINDINGS.—Congress makes the following find-  
 18 ings:

19 (1) The physical safety of the Nation’s top  
 20 elected officials is a public good of transcendent im-  
 21 portance.

22 (2) By virtue of the critical importance of the  
 23 Office of the President, the President and those in  
 24 direct line of the Presidency are subject to unique  
 25 and mortal jeopardy—jeopardy that in turn threat-

1       ens profound disruption to our system of representa-  
2       tive government and to the security and future of  
3       the Nation.

4           (3) The physical safety of visiting heads of for-  
5       eign states and foreign governments is also a matter  
6       of paramount importance. The assassination of such  
7       a person while on American soil could have calami-  
8       tous consequences for our foreign relations and na-  
9       tional security.

10          (4) Given these grave concerns, Congress has  
11       provided for the Secret Service to protect the Presi-  
12       dent and those in direct line of the Presidency, and  
13       has directed that these officials may not waive such  
14       protection. Congress has also provided for the Secret  
15       Service to protect visiting heads of foreign states  
16       and foreign governments.

17          (5) The protective strategy of the Secret Serv-  
18       ice depends critically on the ability of its personnel  
19       to maintain close and unremitting physical proximity  
20       to the protectee.

21          (6) Secret Service personnel must remain at the  
22       side of the protectee on occasions of confidential  
23       conversations and, as a result, may overhear top se-  
24       cret discussions, diplomatic exchanges, sensitive con-  
25       versations, and matters of personal privacy.

1           (7) The necessary level of proximity can be  
2 maintained only in an atmosphere of complete trust  
3 and confidence between the protectee and his or her  
4 protectors.

5           (8) If a protectee has reason to doubt the con-  
6 fidentiality of actions or conversations taken in sight  
7 or hearing of Secret Service personnel, the protectee  
8 may seek to push the protective envelope away or  
9 undermine it to the point at which it could no longer  
10 be fully effective.

11          (9) The possibility that Secret Service personnel  
12 might be compelled to testify against their protectees  
13 could induce foreign nations to refuse Secret Service  
14 protection in future state visits, making it impossible  
15 for the Secret Service to fulfill its important statu-  
16 tory mission of protecting the life and safety of for-  
17 eign dignitaries.

18          (10) A privilege protecting information acquired  
19 by Secret Service personnel while performing their  
20 protective function in physical proximity to a  
21 protectee will preserve the security of the protectee  
22 by lessening the incentive of the protectee to dis-  
23 tance Secret Service personnel in situations in which  
24 there is some risk to the safety of the protectee.

1           (11) Recognition of a protective function privi-  
2       lege for the President and those in direct line of the  
3       Presidency, and for visiting heads of foreign states  
4       and foreign governments, will promote sufficiently  
5       important interests to outweigh the need for pro-  
6       bative evidence.

7           (12) Because Secret Service personnel retain  
8       law enforcement responsibility even while engaged in  
9       their protective function, the privilege must be sub-  
10      ject to a crime/treason exception.

11      (b) PURPOSES.—The purposes of this Act are—

12           (1) to facilitate the relationship of trust and  
13       confidence between Secret Service personnel and cer-  
14       tain protected officials that is essential to the ability  
15       of the Secret Service to protect these officials, and  
16       the Nation, from the risk of assassination; and

17           (2) to ensure that Secret Service personnel are  
18       not precluded from testifying in a criminal investiga-  
19       tion or prosecution about unlawful activity com-  
20       mitted within their view or hearing.

21      (c) ADMISSIBILITY OF INFORMATION ACQUIRED BY  
22      SECRET SERVICE PERSONNEL WHILE PERFORMING  
23      THEIR PROTECTIVE FUNCTION.—

1 (1) PROTECTIVE FUNCTION PRIVILEGE.—Chap-  
 2 ter 203 of title 18, United States Code, is amended  
 3 by inserting after section 3056 the following:

4 **“§ 3056A. Testimony by Secret Service personnel; pro-**  
 5 **tective function privilege**

6 “(a) DEFINITIONS.—In this section:

7 “(1) PROTECTEE.—The term ‘protectee’  
 8 means—

9 “(A) the President;

10 “(B) the Vice President (or other officer  
 11 next in the order of succession to the Office of  
 12 President);

13 “(C) the President-elect;

14 “(D) the Vice President-elect; and

15 “(E) visiting heads of foreign states or for-  
 16 eign governments who, at the time and place  
 17 concerned, are being provided protection by the  
 18 United States Secret Service.

19 “(2) SECRET SERVICE PERSONNEL.—The term  
 20 ‘Secret Service personnel’ means any officer or agent  
 21 of the United States Secret Service.

22 “(b) GENERAL RULE OF PRIVILEGE.—Subject to  
 23 subsection (c), testimony by Secret Service personnel or  
 24 former Secret Service personnel regarding information af-  
 25 fecting a protectee that was acquired during the perform-

1   ance of a protective function in physical proximity to the  
 2   protectee shall not be received in evidence or otherwise dis-  
 3   closed in any trial, hearing, or other proceeding in or be-  
 4   fore any court, grand jury, department, officer, agency,  
 5   regulatory body, or other authority of the United States,  
 6   a State, or a political subdivision thereof.

7       “(c) EXCEPTIONS.—There is no privilege under this  
 8   section—

9           “(1) with respect to information that, at the  
 10   time the information was acquired by Secret Service  
 11   personnel, was sufficient to provide reasonable  
 12   grounds to believe that a crime had been, was being,  
 13   or would be committed; or

14           “(2) if the privilege is waived by the protectee  
 15   or the legal representative of a protectee or deceased  
 16   protectee.”.

17           (2) TECHNICAL AND CONFORMING AMEND-  
 18   MENT.—The analysis for chapter 203 of title 18,  
 19   United States Code, is amended by inserting after  
 20   the item relating to section 3056 the following:

“3056A. Testimony by Secret Service personnel; protective function privilege.”.

21           (3) APPLICATION.—This section and the  
 22   amendments made by this section shall apply to any  
 23   proceeding commenced on or after the date of enact-  
 24   ment of this section.

1   **Subtitle C—Disarming Felons and**  
 2   **Protecting Children From Violence**

3       **PART 1—EXTENSION OF PROJECT EXILE**

4   **SEC. 1311. AUTHORIZATION OF FUNDING FOR ADDITIONAL**  
 5       **STATE AND LOCAL GUN PROSECUTORS.**

6       (a) GRANTS FOR STATE AND LOCAL GUN PROSECU-  
 7   TORS.—Title III of the Violent Crime Control and Law  
 8   Enforcement Act of 1994 is amended by adding at the  
 9   end the following:

10   **“Subtitle Y—Grants for State and**  
 11       **Local Gun Prosecutors**

12   **“SEC. 32501. GRANT AUTHORIZATION.**

13       “The Attorney General may award grants to State,  
 14   Indian tribal, or local prosecutors for the purpose of sup-  
 15   porting the creation or expansion of community-based jus-  
 16   tice programs for the prosecution of firearm-related  
 17   crimes.

18   **“SEC. 32502. USE OF FUNDS.**

19       “Grants awarded by the Attorney General under this  
 20   subtitle shall be used to fund programs for the hiring of  
 21   prosecutors and related personnel under which those pros-  
 22   ecutors and personnel shall utilize an interdisciplinary  
 23   team approach to prevent, reduce, and respond to firearm-  
 24   related crimes in partnership with communities.



1 **“SEC. 32503. APPLICATIONS.**

2       “(a) ELIGIBILITY.—To be eligible to receive a grant  
3 award under this subtitle for a fiscal year, a State, Indian  
4 tribal, or local prosecutor, in conjunction with the chief  
5 executive officer of the jurisdiction in which the program  
6 will be placed, shall submit to the Attorney General an  
7 application, in such form and containing such information  
8 as the Attorney General may reasonably require.

9       “(b) REQUIREMENTS.—Each application submitted  
10 under this section shall include—

11               “(1) a request for funds for the purposes de-  
12 scribed in section 32502;

13               “(2) a description of the communities to be  
14 served by the grant, including the nature of the fire-  
15 arm-related crime in such communities; and

16               “(3) assurances that Federal funds received  
17 under this subtitle shall be used to supplement, not  
18 supplant, non-Federal funds that would otherwise be  
19 available for activities funded under this section.

20 **“SEC. 32504. MATCHING REQUIREMENT.**

21       “The Federal share of a grant awarded under this  
22 subtitle may not exceed 50 percent of the total cost of  
23 the program described in the application submitted under  
24 section 32503 for the fiscal year for which the program  
25 receives assistance under this subtitle.

1 **“SEC. 32505. AWARD OF GRANTS.**

2 “(a) IN GENERAL.—Except as provided in subsection  
3 (b), in awarding grants under this subtitle, the Attorney  
4 General shall consider—

5 “(1) the demonstrated need for, and the evi-  
6 dence of the ability of the applicant to provide, the  
7 services described in section 32503(b)(2), as de-  
8 scribed in the application submitted under section  
9 32503;

10 “(2) the extent to which, as reflected in the  
11 1998 Uniform Crime Report of the Federal Bureau  
12 of Investigation, there is a high rate of firearm-re-  
13 lated crime in the jurisdiction of the applicant,  
14 measured either in total or per capita;

15 “(3) the extent to which the jurisdiction of the  
16 applicant has experienced an increase in the total or  
17 per capita rate of firearm-related crime, as reported  
18 in the 3 most recent annual Uniform Crime Reports  
19 of the Federal Bureau of Investigation;

20 “(4) the extent to which State and local law en-  
21 forcement agencies in the jurisdiction of the appli-  
22 cant have pledged to cooperate with Federal officials  
23 in responding to the illegal acquisition, distribution,  
24 possession, and use of firearms within the jurisdic-  
25 tion; and

1           “(5) The extent to which the jurisdiction of the  
2           applicant participates in comprehensive firearm law  
3           enforcement strategies, including programs such as  
4           the Youth Crime Gun Interdiction Initiative, Project  
5           Achilles, Project Disarm, Project Triggerlock,  
6           Project Exile, Project Surefire, and Operation  
7           Ceasefire.

8           “(b) INDIAN TRIBES.—

9           “(1) FEDERAL GRANTS.—Not less than 5 per-  
10          cent of the amount made available for grants under  
11          this subtitle for each fiscal year shall be awarded as  
12          grants to Indian tribes.

13          “(2) GRANT CRITERIA.—In awarding grants to  
14          Indian tribes in accordance with this subsection, the  
15          Attorney General shall consider, to the extent prac-  
16          ticable, the factors for consideration set forth in sub-  
17          section (a).

18          “(c) RESEARCH AND EVALUATION.—Of the amount  
19          made available for grants under this subtitle for each fis-  
20          cal year, the Attorney General shall use not less than 1  
21          percent and not more than 3 percent for research and  
22          evaluation of the activities carried out with grants award-  
23          ed under this subtitle.

1   **“SEC. 32506. REPORTS.**

2           “(a) REPORT TO ATTORNEY GENERAL.—Not later  
3 than March 1 of each fiscal year, each law enforcement  
4 agency that receives funds from a grant awarded under  
5 this subtitle for that fiscal year shall submit to the Attor-  
6 ney General a report describing the progress achieved in  
7 carrying out the grant program for which those funds were  
8 received.

9           “(b) REPORT TO CONGRESS.—Beginning not later  
10 than October 1 of the first fiscal year following the initial  
11 fiscal year during which grants are awarded under this  
12 subtitle, and not later than October 1 of each fiscal year  
13 thereafter, the Attorney General shall submit to Congress  
14 a report, which shall contain a detailed statement regard-  
15 ing grant awards, activities of grant recipients, a compila-  
16 tion of statistical information submitted by applicants, and  
17 an evaluation of programs established with amounts from  
18 grants awarded under this subtitle during the preceding  
19 fiscal year.

20   **“SEC. 32507. DEFINITIONS.**

21           “In this subtitle—

22                   “(1) the term ‘firearm’ has the meaning given  
23 the term in section 921(a) of title 18, United States  
24 Code;

25                   “(2) the term ‘Indian tribe’ means a tribe,  
26 band, pueblo, nation, or other organized group or

1 community of Indians, including an Alaska Native  
 2 village (as defined in or established under the Alaska  
 3 Native Claims Settlement Act (43 U.S.C. 1601 et  
 4 seq.)), that is recognized as eligible for the special  
 5 programs and services provided by the United States  
 6 to Indians because of their status as Indians; and

7 “(3) the term ‘State’ means a State, the Dis-  
 8 trict of Columbia, the Commonwealth of Puerto  
 9 Rico, the Commonwealth of the Northern Mariana  
 10 Islands, American Samoa, Guam, and the United  
 11 States Virgin Islands.

12 **“SEC. 32508. AUTHORIZATION OF APPROPRIATIONS.**

13 “There is authorized to be appropriated to carry out  
 14 this subtitle \$150,000,000 for fiscal year 2002.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—

16 The table of contents in section 2 of the Violent Crime  
 17 Control and Law Enforcement Act of 1994 is amended  
 18 by inserting after the item relating to subtitle X the fol-  
 19 lowing:

“Subtitle Y—Grants for State and Local Gun Prosecutors

“Sec. 32501. Grant authorization.

“Sec. 32502. Use of funds.

“Sec. 32503. Applications.

“Sec. 32504. Matching requirement.

“Sec. 32505. Award of grants.

“Sec. 32506. Reports.

“Sec. 32507. Definitions.

“Sec. 32508. Authorization of appropriations.”.

1 **SEC. 1312. AUTHORIZATION OF FUNDING FOR ADDITIONAL**  
2 **FEDERAL FIREARMS PROSECUTORS AND**  
3 **GUN ENFORCEMENT TEAMS.**

4 (a) **ADDITIONAL FEDERAL FIREARMS PROSECU-**  
5 **TORS.**—The Attorney General shall hire 114 additional  
6 Federal prosecutors to prosecute violations of Federal fire-  
7 arms laws.

8 (b) **GUN ENFORCEMENT TEAMS.**—

9 (1) **ESTABLISHMENT.**—The Attorney General  
10 shall establish in each of the jurisdictions specified  
11 in paragraph (3) a gun enforcement team.

12 (2) **GUN ENFORCEMENT TEAM REQUIRE-**  
13 **MENTS.**—Each gun enforcement team established  
14 under this subsection shall be composed of—

15 (A) 1 coordinator, who shall be respon-  
16 sible, with respect to the jurisdiction concerned,  
17 for coordinating among Federal, State, and  
18 local law enforcement—

19 (i) the appropriate forum for the pros-  
20 ecution of crimes relating to firearms; and

21 (ii) efforts for the prevention of such  
22 crimes; and

23 (B) 1 analyst, who shall be responsible,  
24 with respect to the jurisdiction concerned, for  
25 analyzing data relating to such crimes and rec-

1           ommending law enforcement strategies to re-  
2           duce such crimes.

3           (3) COVERED JURISDICTIONS.—The jurisdic-  
4           tions specified in this subsection are not more than  
5           20 jurisdictions designated by the Attorney General  
6           for purposes of this subsection as areas having high  
7           rates of crimes relating to firearms.

8           (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
9           tion to any other amounts authorized to be appropriated  
10          that may be used for such purpose, there is authorized  
11          to be appropriated to carry out this section \$15,000,000  
12          for fiscal year 2002.

13   **PART 2—EXPANSION OF THE YOUTH CRIME GUN**  
14                   **INTERDICTION INITIATIVE**

15   **SEC. 1321. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

16          (a) IN GENERAL.—

17           (1) EXPANSION OF NUMBER OF CITIES.—The  
18          Secretary of the Treasury shall endeavor to expand  
19          the number of cities and counties directly partici-  
20          pating in the Youth Crime Gun Interdiction Initia-  
21          tive (in this section referred to as the “YCGII”) to  
22          75 cities or counties by October 1, 2002, to 150 cit-  
23          ies or counties by October 1, 2004, and to 250 cities  
24          or counties by October 1, 2005.

1           (2) SELECTION.—Cities and counties selected  
2           for participation in the YCGII shall be selected by  
3           the Secretary of the Treasury and in consultation  
4           with Federal, State and local law enforcement offi-  
5           cials.

6           (b) IDENTIFICATION OF INDIVIDUALS.—

7           (1) IN GENERAL.—The Secretary of the Treas-  
8           ury shall, utilizing the information provided by the  
9           YCGII, facilitate the identification and prosecution  
10          of individuals illegally trafficking firearms to prohib-  
11          ited individuals.

12          (2) SHARING OF INFORMATION.—The Secretary  
13          of the Treasury shall share information derived from  
14          the YCGII with State and local law enforcement  
15          agencies through on-line computer access, as soon as  
16          such capability is available.

17          (c) GRANT AWARDS.—

18          (1) IN GENERAL.—The Secretary of the Treas-  
19          ury shall award grants (in the form of funds or  
20          equipment) to States, cities, and counties for pur-  
21          poses of assisting such entities in the tracing of fire-  
22          arms and participation in the YCGII.

23          (2) USE OF GRANT FUNDS.—Grants made  
24          under this part shall be used to—



1 (A) hire or assign additional personnel for  
 2 the gathering, submission and analysis of trac-  
 3 ing data submitted to the Bureau of Alcohol,  
 4 Tobacco and Firearms under the YCGII;

5 (B) hire additional law enforcement per-  
 6 sonnel for the purpose of identifying and arrest-  
 7 ing individuals illegally trafficking firearms; and

8 (C) purchase additional equipment, includ-  
 9 ing automatic data processing equipment and  
 10 computer software and hardware, for the timely  
 11 submission and analysis of tracing data.

## 12 **PART 3—GUN OFFENSES**

### 13 **SEC. 1331. GUN BAN FOR DANGEROUS JUVENILE OFFEND-** 14 **ERS.**

15 (a) DEFINITION.—Section 921(a)(20) of title 18,  
 16 United States Code, is amended—

17 (1) by inserting “(A)” after “(20)”;

18 (2) by redesignating subparagraphs (A) and

19 (B) as clauses (i) and (ii), respectively;

20 (3) by inserting after subparagraph (A) the fol-  
 21 lowing:

22 “(B) For purposes of subsections (d), (g),  
 23 and (s) of section 922, the term ‘act of juvenile  
 24 delinquency’ means an adjudication of delin-  
 25 quency based on a finding of the commission of

an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.”; and

(4) by striking “What constitutes” through the end and inserting the following: “What constitutes a conviction of such a crime or an adjudication of juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of delinquency which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored by the jurisdiction in which the conviction or adjudication of delinquency occurred shall not be considered a conviction or adjudication of delinquency.

(b) PROHIBITION.—Section 922 of title 18, United States Code is amended—

(1) in subsection (d)—

(A) by striking “or” at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting “; or”; and

1 (C) by inserting after paragraph (9) the  
2 following:

3 “(10) who has committed an act of juvenile de-  
4 linquency.”;

5 (2) in subsection (g)—

6 (A) by striking “or” at the end of para-  
7 graph (8);

8 (B) by striking the period at the end of  
9 paragraph (9) and inserting “; or”; and

10 (C) by inserting after paragraph (9) the  
11 following:

12 “(10) who has committed an act of juvenile de-  
13 linquency.”; and

14 (3) in subsection (s)(3)(B)—

15 (A) by striking “and” at the end of clause  
16 (vi);

17 (B) by inserting “and” after the semicolon  
18 at the end of clause (vii); and

19 (C) by inserting after clause (vii) the fol-  
20 lowing:

21 “(viii) has not committed an act of ju-  
22 venile delinquency.”.

1 **SEC. 1332. IMPROVING FIREARMS SAFETY.**

2 (a) SECURE GUN STORAGE DEVICE.—Section 921(a)  
3 of title 18, United States Code, is amended by adding at  
4 the end the following:

5 “(35) SECURE GUN STORAGE OR SAFETY DE-  
6 VICE.—The term ‘secure gun storage or safety de-  
7 vice’ means—

8 “(A) a device that, when installed on a  
9 firearm, is designed to prevent the firearm from  
10 being operated without first deactivating the de-  
11 vice;

12 “(B) a device incorporated into the design  
13 of the firearm that is designed to prevent the  
14 operation of the firearm by anyone not having  
15 access to the device; or

16 “(C) a safe, gun safe, gun case, lock box,  
17 or other device that is designed to be or can be  
18 used to store a firearm and that is designed to  
19 be unlocked only by means of a key, a combina-  
20 tion, or other similar means.”.

21 (b) CERTIFICATION REQUIRED IN APPLICATION FOR  
22 DEALER’S LICENSE.—Section 923(d)(1) of title 18,  
23 United States Code, is amended—

24 (1) in subparagraph (E), by striking “and” at  
25 the end;

1           (2) in subparagraph (F), by striking the period  
2           at the end and inserting “; and”; and

3           (3) by adding at the end the following:

4                   “(G) in the case of an application to be li-  
5                   censed as a dealer, the applicant certifies that  
6                   secure gun storage or safety devices will be  
7                   available at any place in which firearms are  
8                   sold under the license to persons who are not  
9                   licensees (subject to the exception that in any  
10                  case in which a secure gun storage or safety de-  
11                  vice is temporarily unavailable because of theft,  
12                  casualty loss, consumer sales, backorders from  
13                  a manufacturer, or any other similar reason be-  
14                  yond the control of the licensee, the dealer shall  
15                  not be considered to be in violation of the re-  
16                  quirement under this subparagraph to make  
17                  available such a device).”.

18           (c) REVOCATION OF DEALER’S LICENSE FOR FAIL-  
19           URE TO HAVE SECURE GUN STORAGE OR SAFETY DE-  
20           VICES AVAILABLE.—The first sentence of section 923(e)  
21           of title 18, United States Code, is amended by inserting  
22           before the period at the end the following: “or fails to have  
23           secure gun storage or safety devices available at any place  
24           in which firearms are sold under the license to persons  
25           who are not licensees (except that in any case in which

1 a secure gun storage or safety device is temporarily un-  
 2 available because of theft, casualty loss, consumer sales,  
 3 backorders from a manufacturer, or any other similar rea-  
 4 son beyond the control of the licensee, the dealer shall not  
 5 be considered to be in violation of the requirement to make  
 6 available such a device)''.

7 (d) STATUTORY CONSTRUCTION.—Nothing in the  
 8 amendments made by this section shall be construed—

9 (1) as creating a cause of action against any  
 10 firearms dealer or any other person for any civil li-  
 11 ability; or

12 (2) as establishing any standard of care.

13 **SEC. 1333. JUVENILE HANDGUN SAFETY.**

14 (a) JUVENILE HANDGUN SAFETY.—Section  
 15 924(a)(6) of title 18, United States Code, is amended—

16 (1) by striking subparagraph (A);

17 (2) by redesignating subparagraph (B) as sub-  
 18 paragraph (A); and

19 (3) in subparagraph (A), as redesignated—

20 (A) by striking “A person other than a ju-  
 21 venile who knowingly” and inserting “A person  
 22 who knowingly”; and

23 (B) in clause (i), by striking “not more  
 24 than 1 year” and inserting “not more than 5  
 25 years”.

1 **SEC. 1334. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**  
2 **CAREER CRIMINAL PREDICATES.**

3 Section 924(e)(2)(A) of title 18, United States Code,  
4 is amended—

5 (1) in clause (i), by striking “or” at the end;

6 (2) in clause (ii), by adding “or” at the end;

7 and

8 (3) by adding at the end the following:

9 “(iii) any act of juvenile delinquency that,  
10 if committed by an adult, would be an offense  
11 described in this paragraph;”.

12 **SEC. 1335. INCREASED PENALTY FOR TRANSFERRING A**  
13 **FIREARM TO A MINOR FOR USE IN CRIME OF**  
14 **VIOLENCE OR DRUG TRAFFICKING CRIME.**

15 Section 924(h) of title 18, United States Code, is  
16 amended by striking “10 years, fined in accordance with  
17 this title, or both” and inserting “10 years, and if the  
18 transferee is a person who is under 18 years of age, im-  
19 prisoned for a term of not more than 15 years, fined in  
20 accordance with this title, or both”.

21 **SEC. 1336. INCREASED PENALTY FOR FIREARMS CON-**  
22 **SPIRACY.**

23 Section 924 of title 18, United States Code, is  
24 amended by adding at the end the following:

25 “(p) Except as otherwise provided in this section, a  
26 person who conspires to commit an offense defined in this

1 chapter shall be subject to the same penalties (other than  
 2 the penalty of death) as those prescribed for the offense  
 3 the commission of which is the object of the conspiracy.”.

#### 4 **PART 4—CLOSING THE GUN SHOW LOOPHOLE**

##### 5 **SEC. 1341. EXTENSION OF BRADY BACKGROUND CHECKS** 6 **TO GUN SHOWS.**

7 (a) FINDINGS.—Congress finds that—

8 (1) more than 4,400 traditional gun shows are  
 9 held annually across the United States, attracting  
 10 thousands of attendees per show and hundreds of  
 11 Federal firearms licensees and nonlicensed firearms  
 12 sellers;

13 (2) traditional gun shows, as well as flea mar-  
 14 kets and other organized events, at which a large  
 15 number of firearms are offered for sale by Federal  
 16 firearms licensees and nonlicensed firearms sellers,  
 17 form a significant part of the national firearms mar-  
 18 ket;

19 (3) firearms and ammunition that are exhibited  
 20 or offered for sale or exchange at gun shows, flea  
 21 markets, and other organized events move easily in  
 22 and substantially affect interstate commerce;

23 (4) in fact, even before a firearm is exhibited or  
 24 offered for sale or exchange at a gun show, flea mar-  
 25 ket, or other organized event, the gun, its component



1 parts, ammunition, and the raw materials from  
2 which it is manufactured have moved in interstate  
3 commerce;

4 (5) gun shows, flea markets, and other orga-  
5 nized events at which firearms are exhibited or of-  
6 fered for sale or exchange, provide a convenient and  
7 centralized commercial location at which firearms  
8 may be bought and sold anonymously, often without  
9 background checks and without records that enable  
10 gun tracing;

11 (6) at gun shows, flea markets, and other orga-  
12 nized events at which guns are exhibited or offered  
13 for sale or exchange, criminals and other prohibited  
14 persons obtain guns without background checks and  
15 frequently use guns that cannot be traced to later  
16 commit crimes;

17 (7) many persons who buy and sell firearms at  
18 gun shows, flea markets, and other organized events  
19 cross State lines to attend these events and engage  
20 in the interstate transportation of firearms obtained  
21 at these events;

22 (8) gun violence is a pervasive, national prob-  
23 lem that is exacerbated by the availability of guns at  
24 gun shows, flea markets, and other organized events;

1           (9) firearms associated with gun shows have  
2       been transferred illegally to residents of another  
3       State by Federal firearms licensees and nonlicensed  
4       firearms sellers, and have been involved in subse-  
5       quent crimes including drug offenses, crimes of vio-  
6       lence, property crimes, and illegal possession of fire-  
7       arms by felons and other prohibited persons; and

8           (10) Congress has the power, under the inter-  
9       state commerce clause and other provisions of the  
10      Constitution of the United States, to ensure that  
11      criminals and other prohibited persons do not obtain  
12      firearms at gun shows, flea markets, and other orga-  
13      nized events.

14      (b) DEFINITIONS.—Section 921(a) of title 18, United  
15      States Code, is amended by adding at the end the fol-  
16      lowing:

17      “(35) GUN SHOW.—The term ‘gun show’ means any  
18      event—

19           “(A) at which 50 or more firearms are offered  
20      or exhibited for sale, transfer, or exchange, if 1 or  
21      more of the firearms has been shipped or trans-  
22      ported in, or otherwise affects, interstate or foreign  
23      commerce; and

24           “(B) at which—

1                   “(i) not less than 20 percent of the exhibi-  
2                   tors are firearm exhibitors;

3                   “(ii) there are not less than 10 firearm ex-  
4                   hibitors; or

5                   “(iii) 50 or more firearms are offered for  
6                   sale, transfer, or exchange.

7           “(36) GUN SHOW PROMOTER.—The term ‘gun show  
8           promoter’ means any person who organizes, plans, pro-  
9           motes, or operates a gun show.

10          “(37) GUN SHOW VENDOR.—The term ‘gun show  
11          vendor’ means any person who exhibits, sells, offers for  
12          sale, transfers, or exchanges 1 or more firearms at a gun  
13          show, regardless of whether or not the person arranges  
14          with the gun show promoter for a fixed location from  
15          which to exhibit, sell, offer for sale, transfer, or exchange  
16          1 or more firearms.”

17          (c) REGULATION OF FIREARMS TRANSFERS AT GUN  
18          SHOWS.—

19               (1) IN GENERAL.—Chapter 44 of title 18,  
20          United States Code, is amended by adding at the  
21          end the following:

22          **“§ 931. Regulation of firearms transfers at gun shows**

23               “(a) REGISTRATION OF GUN SHOW PROMOTERS.—  
24          It shall be unlawful for any person to organize, plan, pro-  
25          mote, or operate a gun show unless that person—

1 “(1) registers with the Secretary in accordance  
 2 with regulations promulgated by the Secretary; and

3 “(2) pays a registration fee, in an amount de-  
 4 termined by the Secretary.

5 “(b) RESPONSIBILITIES OF GUN SHOW PRO-  
 6 MOTERS.—It shall be unlawful for any person to organize,  
 7 plan, promote, or operate a gun show unless that person—

8 “(1) before commencement of the gun show,  
 9 verifies the identity of each gun show vendor partici-  
 10 pating in the gun show by examining a valid identi-  
 11 fication document (as defined in section 1028(d)(1))  
 12 of the vendor containing a photograph of the vendor;

13 “(2) before commencement of the gun show, re-  
 14 quires each gun show vendor to sign—

15 “(A) a ledger with identifying information  
 16 concerning the vendor; and

17 “(B) a notice advising the vendor of the  
 18 obligations of the vendor under this chapter;  
 19 and

20 “(3) notifies each person who attends the gun  
 21 show of the requirements of this chapter, in accord-  
 22 ance with such regulations as the Secretary shall  
 23 prescribe; and

24 “(4) maintains a copy of the records described  
 25 in paragraphs (1) and (2) at the permanent place of

1 business of the gun show promoter for such period  
 2 of time and in such form as the Secretary shall re-  
 3 quire by regulation.

4 “(c) RESPONSIBILITIES OF TRANSFERORS OTHER  
 5 THAN LICENSEES.—

6 “(1) IN GENERAL.—If any part of a firearm  
 7 transaction takes place at a gun show, it shall be  
 8 unlawful for any person who is not licensed under  
 9 this chapter to transfer a firearm to another person  
 10 who is not licensed under this chapter, unless the  
 11 firearm is transferred through a licensed importer,  
 12 licensed manufacturer, or licensed dealer in accord-  
 13 ance with subsection (e).

14 “(2) CRIMINAL BACKGROUND CHECKS.—A per-  
 15 son who is subject to the requirement of paragraph  
 16 (1)—

17 “(A) shall not transfer the firearm to the  
 18 transferee until the licensed importer, licensed  
 19 manufacturer, or licensed dealer through which  
 20 the transfer is made under subsection (e)  
 21 makes the notification described in subsection  
 22 (e)(3)(A); and

23 “(B) notwithstanding subparagraph (A),  
 24 shall not transfer the firearm to the transferee  
 25 if the licensed importer, licensed manufacturer,

1 or licensed dealer through which the transfer is  
 2 made under subsection (e) makes the notifica-  
 3 tion described in subsection (e)(3)(B).

4 “(3) ABSENCE OF RECORDKEEPING REQUIRE-  
 5 MENTS.—Nothing in this section shall permit or au-  
 6 thorize the Secretary to impose recordkeeping re-  
 7 quirements on any nonlicensed vendor.

8 “(d) RESPONSIBILITIES OF TRANSFEREES OTHER  
 9 THAN LICENSEES.—

10 “(1) IN GENERAL.—If any part of a firearm  
 11 transaction takes place at a gun show, it shall be  
 12 unlawful for any person who is not licensed under  
 13 this chapter to receive a firearm from another per-  
 14 son who is not licensed under this chapter, unless  
 15 the firearm is transferred through a licensed im-  
 16 porter, licensed manufacturer, or licensed dealer in  
 17 accordance with subsection (e).

18 “(2) CRIMINAL BACKGROUND CHECKS.—A per-  
 19 son who is subject to the requirement of paragraph  
 20 (1)—

21 “(A) shall not receive the firearm from the  
 22 transferor until the licensed importer, licensed  
 23 manufacturer, or licensed dealer through which  
 24 the transfer is made under subsection (e)

1 makes the notification described in subsection  
 2 (e)(3)(A); and

3 “(B) notwithstanding subparagraph (A),  
 4 shall not receive the firearm from the transferor  
 5 if the licensed importer, licensed manufacturer,  
 6 or licensed dealer through which the transfer is  
 7 made under subsection (e) makes the notifica-  
 8 tion described in subsection (e)(3)(B).

9 “(e) RESPONSIBILITIES OF LICENSEES.—A licensed  
 10 importer, licensed manufacturer, or licensed dealer who  
 11 agrees to assist a person who is not licensed under this  
 12 chapter in carrying out the responsibilities of that person  
 13 under subsection (c) or (d) with respect to the transfer  
 14 of a firearm shall—

15 “(1) enter such information about the firearm  
 16 as the Secretary may require by regulation into a  
 17 separate bound record;

18 “(2) record the transfer on a form specified by  
 19 the Secretary;

20 “(3) comply with section 922(t) as if transfer-  
 21 ring the firearm from the inventory of the licensed  
 22 importer, licensed manufacturer, or licensed dealer  
 23 to the designated transferee (although a licensed im-  
 24 porter, licensed manufacturer, or licensed dealer  
 25 complying with this subsection shall not be required

1 to comply again with the requirements of section  
 2 922(t) in delivering the firearm to the nonlicensed  
 3 transferor), and notify the nonlicensed transferor  
 4 and the nonlicensed transferee—

5 “(A) of such compliance; and

6 “(B) if the transfer is subject to the re-  
 7 quirements of section 922(t)(1), of any receipt  
 8 by the licensed importer, licensed manufacturer,  
 9 or licensed dealer of a notification from the na-  
 10 tional instant criminal background check sys-  
 11 tem that the transfer would violate section 922  
 12 or would violate State law;

13 “(4) not later than 10 days after the date on  
 14 which the transfer occurs, submit to the Secretary a  
 15 report of the transfer, which report—

16 “(A) shall be on a form specified by the  
 17 Secretary by regulation; and

18 “(B) shall not include the name of or other  
 19 identifying information relating to any person  
 20 involved in the transfer who is not licensed  
 21 under this chapter;

22 “(5) if the licensed importer, licensed manufac-  
 23 turer, or licensed dealer assists a person other than  
 24 a licensee in transferring, at 1 time or during any  
 25 5 consecutive business days, 2 or more pistols or re-



1       volvers, or any combination of pistols and revolvers  
 2       totaling 2 or more, to the same nonlicensed person,  
 3       in addition to the reports required under paragraph  
 4       (4), prepare a report of the multiple transfers, which  
 5       report shall be—

6               “(A) prepared on a form specified by the  
 7       Secretary; and

8               “(B) not later than the close of business  
 9       on the date on which the transfer occurs, for-  
 10      warded to—

11              “(i) the office specified on the form  
 12       described in subparagraph (A); and

13              “(ii) the appropriate State law en-  
 14       forcement agency of the jurisdiction in  
 15       which the transfer occurs; and

16              “(6) retain a record of the transfer as part of  
 17       the permanent business records of the licensed im-  
 18       porter, licensed manufacturer, or licensed dealer.

19       “(f) RECORDS OF LICENSEE TRANSFERS.—If any  
 20       part of a firearm transaction takes place at a gun show,  
 21       each licensed importer, licensed manufacturer, and li-  
 22       censed dealer who transfers 1 or more firearms to a person  
 23       who is not licensed under this chapter shall, not later than  
 24       10 days after the date on which the transfer occurs, sub-

1 mit to the Secretary a report of the transfer, which  
 2 report—

3 “(1) shall be in a form specified by the Sec-  
 4 retary by regulation;

5 “(2) shall not include the name of or other  
 6 identifying information relating to the transferee;  
 7 and

8 “(3) shall not duplicate information provided in  
 9 any report required under subsection (e)(4).

10 “(g) FIREARM TRANSACTION DEFINED.—In this sec-  
 11 tion, the term ‘firearm transaction’—

12 “(1) includes the offer for sale, sale, transfer,  
 13 or exchange of a firearm; and

14 “(2) does not include the mere exhibition of a  
 15 firearm.”.

16 (2) PENALTIES.—Section 924(a) of title 18,  
 17 United States Code, is amended by adding at the  
 18 end the following:

19 “(7)(A) Whoever knowingly violates section 931(a)  
 20 shall be fined under this title, imprisoned not more than  
 21 5 years, or both.

22 “(B) Whoever knowingly violates subsection (b) or (c)  
 23 of section 931, shall be—

24 “(i) fined under this title, imprisoned not more  
 25 than 2 years, or both; and

1           “(ii) in the case of a second or subsequent con-  
2       viction, such person shall be fined under this title,  
3       imprisoned not more than 5 years, or both.

4       “(C) Whoever willfully violates section 931(d), shall  
5       be—

6           “(i) fined under this title, imprisoned not more  
7       than 2 years, or both; and

8           “(ii) in the case of a second or subsequent con-  
9       viction, such person shall be fined under this title,  
10      imprisoned not more than 5 years, or both.

11      “(D) Whoever knowingly violates subsection (e) or (f)  
12      of section 931 shall be fined under this title, imprisoned  
13      not more than 5 years, or both.

14      “(E) In addition to any other penalties imposed  
15      under this paragraph, the Secretary may, with respect to  
16      any person who knowingly violates any provision of section  
17      931—

18           “(i) if the person is registered pursuant to sec-  
19      tion 931(a), after notice and opportunity for a hear-  
20      ing, suspend for not more than 6 months or revoke  
21      the registration of that person under section 931(a);  
22      and

23           “(ii) impose a civil fine in an amount equal to  
24      not more than \$10,000.”.

1           (2) TECHNICAL AND CONFORMING AMEND-  
 2           MENTS.—Chapter 44 of title 18, United States  
 3           Code, is amended—

4                   (A) in the chapter analysis, by adding at  
 5           the end the following:

“931. Regulation of firearms transfers at gun shows.”;

6                   and

7                   (B) in the first sentence of section 923(j),  
 8           by striking “a gun show or event” and inserting  
 9           “an event”; and

10          (d) INSPECTION AUTHORITY.—Section 923(g)(1) is  
 11          amended by adding at the end the following:

12          “(E) Notwithstanding subparagraph (B), the Sec-  
 13          retary may enter during business hours the place of busi-  
 14          ness of any gun show promoter and any place where a  
 15          gun show is held for the purposes of examining the records  
 16          required by sections 923 and 931 and the inventory of  
 17          licensees conducting business at the gun show. Such entry  
 18          and examination shall be conducted for the purposes of  
 19          determining compliance with this chapter by gun show  
 20          promoters and licensees conducting business at the gun  
 21          show and shall not require a showing of reasonable cause  
 22          or a warrant.”.

23          (e) INCREASED PENALTIES FOR SERIOUS RECORD-  
 24          KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)

1 of title 18, United States Code, is amended to read as  
 2 follows:

3       “(3)(A) Except as provided in subparagraph (B), any  
 4 licensed dealer, licensed importer, licensed manufacturer,  
 5 or licensed collector who knowingly makes any false state-  
 6 ment or representation with respect to the information re-  
 7 quired by this chapter to be kept in the records of a person  
 8 licensed under this chapter, or violates section 922(m)  
 9 shall be fined under this title, imprisoned not more than  
 10 1 year, or both.

11       “(B) If the violation described in subparagraph (A)  
 12 is in relation to an offense—

13               “(i) under paragraph (1) or (3) of section  
 14 922(b), such person shall be fined under this title,  
 15 imprisoned not more than 5 years, or both; or

16               “(ii) under subsection (a)(6) or (d) of section  
 17 922, such person shall be fined under this title, im-  
 18 prisoned not more than 10 years, or both.”.

19       (f) INCREASED PENALTIES FOR VIOLATIONS OF  
 20 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

21               (1) PENALTIES.—Section 924 of title 18,  
 22 United States Code, is amended—

23                       (A) in paragraph (5), by striking “sub-  
 24 section (s) or (t) of section 922” and inserting  
 25 “section 922(s)”; and

1 (B) by adding at the end the following:

2 “(8) Whoever knowingly violates section 922(t) shall  
3 be fined under this title, imprisoned not more than 5  
4 years, or both.”.

5 (2) ELIMINATION OF CERTAIN ELEMENTS OF  
6 OFFENSE.—Section 922(t)(5) of title 18, United  
7 States Code, is amended by striking “and, at the  
8 time” and all that follows through “State law”.

9 (g) GUN OWNER PRIVACY AND PREVENTION OF  
10 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section  
11 922(t)(2)(C) of title 18, United States Code, is amended  
12 by inserting before the period at the end the following:  
13 “, as soon as possible, consistent with the responsibility  
14 of the Attorney General under section 103(h) of the Brady  
15 Handgun Violence Prevention Act to ensure the privacy  
16 and security of the system and to prevent system fraud  
17 and abuse, but in no event later than 90 days after the  
18 date on which the licensee first contacts the system with  
19 respect to the transfer”.

20 (h) EFFECTIVE DATE.—This section and the amend-  
21 ments made by this section shall take effect 180 days after  
22 the date of enactment of this Act.

1 **Subtitle D—Assistance to States for**  
2 **Prosecuting and Punishing Ju-**  
3 **venile Offenders, and Reducing**  
4 **Juvenile Crime**

5 **SEC. 1401. JUVENILE AND VIOLENT OFFENDER INCARCER-**  
6 **ATION GRANTS.**

7 (a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE  
8 FACILITIES.—

9 (1) DEFINITIONS.—In this subsection:

10 (A) CO-LOCATED FACILITY.—The term  
11 “co-located facility” means the location of adult  
12 and juvenile facilities on the same property in  
13 a manner consistent with regulations issued by  
14 the Attorney General to ensure that adults and  
15 juveniles are substantially segregated.

16 (B) SUBSTANTIALLY SEGREGATED.—The  
17 term “substantially segregated” means—

18 (i) complete sight and sound separa-  
19 tion in residential confinement;

20 (ii) use of shared direct care and  
21 management staff, properly trained and  
22 certified by the State to interact with juve-  
23 nile offenders, if the staff does not interact  
24 with adult and juvenile offenders during  
25 the same shift; and

1 (iii) incidental contact during trans-  
2 portation to court proceedings and other  
3 activities in accordance with regulations  
4 issued by the Attorney General to ensure  
5 reasonable efforts are made to segregate  
6 adults and juveniles.

7 (C) VIOLENT JUVENILE OFFENDER.—The  
8 term “violent juvenile offender” means a person  
9 under the age of majority pursuant to State law  
10 who has been adjudicated delinquent or con-  
11 victed in adult court of a violent felony as de-  
12 fined in section 924(e)(2)(B) of title 18, United  
13 States Code.

14 (D) QUALIFYING STATE.—The term  
15 “qualifying State” means a State that has sub-  
16 mitted, or a State in which an eligible unit of  
17 local government has submitted, a grant appli-  
18 cation that meets the requirements of para-  
19 graphs (3) and (5).

20 (2) AUTHORITY.—

21 (A) IN GENERAL.—The Attorney General  
22 may make grants in accordance with this sub-  
23 section to States, units of local government, or  
24 any combination thereof, to assist them in plan-  
25 ning, establishing, and operating secure facili-



ties, staff-secure facilities, detention centers, and other correctional programs for violent juvenile offenders.

(B) USE OF AMOUNTS.—Grants under this subsection may be used—

(i) for co-located facilities for adult prisoners and violent juvenile offenders; and

(ii) only for the construction or operation of facilities in which violent juvenile offenders are substantially segregated from nonviolent juvenile offenders.

(3) APPLICATIONS.—

(A) IN GENERAL.—The chief executive officer of a State or unit of local government that seeks to receive a grant under this subsection shall submit to the Attorney General an application, in such form and in such manner as the Attorney General may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall provide written assurances that each facility or program funded with a grant under this subsection—

(i) will provide appropriate educational and vocational training, appro-

1            appropriate mental health services, a program of  
 2            substance abuse testing, and substance  
 3            abuse treatment for appropriate juvenile  
 4            offenders; and

5            (ii) will afford juvenile offenders in-  
 6            tensive post-release supervision and serv-  
 7            ices.

8            (4) MINIMUM AMOUNT.—

9            (A) IN GENERAL.—Except as provided in  
 10           subparagraph (B), each qualifying State, to-  
 11           gether with units of local government within the  
 12           State, shall be allocated for each fiscal year not  
 13           less than 1.0 percent of the total amount made  
 14           available in each fiscal year for grants under  
 15           this subsection.

16           (B) EXCEPTION.—The United States Vir-  
 17           gin Islands, American Samoa, Guam, and the  
 18           Northern Mariana Islands shall each be allo-  
 19           cated 0.2 percent of the total amount made  
 20           available in each fiscal year for grants under  
 21           this subsection.

22           (5) PERFORMANCE EVALUATION.—

23           (A) EVALUATION COMPONENTS.—

24           (i) IN GENERAL.—Each facility or  
 25           program funded under this subsection shall

1 contain an evaluation component developed  
2 pursuant to guidelines established by the  
3 Attorney General.

4 (ii) OUTCOME MEASURES.—The eval-  
5 uations required by this subsection shall  
6 include outcome measures that can be used  
7 to determine the effectiveness of the fund-  
8 ed programs, including the effectiveness of  
9 such programs in comparison with other  
10 correctional programs or dispositions in re-  
11 ducing the incidence of recidivism, and  
12 other outcome measures.

13 (B) PERIODIC REVIEW AND REPORTS.—

14 (i) REVIEW.—The Attorney General  
15 shall review the performance of each grant  
16 recipient under this subsection.

17 (ii) REPORTS.—The Attorney General  
18 may require a grant recipient to submit to  
19 the Office of Justice Programs, Correc-  
20 tions Programs Office the results of the  
21 evaluations required under subparagraph  
22 (A) and such other data and information  
23 as are reasonably necessary to carry out  
24 the responsibilities of the Attorney General  
25 under this subsection.

1           (6) TECHNICAL ASSISTANCE AND TRAINING.—

2           The Attorney General shall provide technical assist-  
3           ance and training to grant recipients under this sub-  
4           section to achieve the purposes of this subsection.

5           (b) JUVENILE FACILITIES ON TRIBAL LANDS.—

6           (1) RESERVATION OF FUNDS.—Of amounts  
7           made available to carry out this section under sec-  
8           tion 20108(a)(2)(A) of the Violent Crime Control  
9           and Law Enforcement Act of 1994 (42 U.S.C.  
10          13708(a)(2)(A)), the Attorney General shall reserve,  
11          to carry out this subsection, 0.75 percent for each  
12          of fiscal years 2002 through 2005.

13          (2) GRANTS TO INDIAN TRIBES.—Of amounts  
14          reserved under paragraph (1), the Attorney General  
15          may make grants to Indian tribes or to regional  
16          groups of Indian tribes for the purpose of con-  
17          structing secure facilities, staff-secure facilities, de-  
18          tention centers, and other correctional programs for  
19          incarceration of juvenile offenders subject to tribal  
20          jurisdiction.

21          (3) APPLICATIONS.—To be eligible to receive a  
22          grant under this section, an Indian tribe shall sub-  
23          mit to the Attorney General an application in such  
24          form and containing such information as the Attor-  
25          ney General may by regulation require.

1           (4) REGIONAL GROUPS.—Individual Indian  
2       tribes from a geographic region may apply for  
3       grants under paragraph (2) jointly for the purpose  
4       of building regional facilities.

5       (c) REPORT ON ACCOUNTABILITY AND PERFORM-  
6       ANCE MEASURES IN JUVENILE CORRECTIONS PRO-  
7       GRAMS.—

8           (1) IN GENERAL.—Not later than 6 months  
9       after the date of enactment of this Act, the Attorney  
10      General shall, after consultation with the National  
11      Institute of Justice and other appropriate govern-  
12      mental and nongovernmental organizations, submit  
13      to Congress a report regarding the possible use of  
14      performance-based criteria in evaluating and improv-  
15      ing the effectiveness of juvenile corrections facilities  
16      and programs.

17          (2) CONTENTS.—The report required under  
18      this subsection shall include an analysis of—

19                (A) the range of performance-based meas-  
20      ures that might be utilized as evaluation cri-  
21      teria, including measures of recidivism among  
22      juveniles who have been incarcerated in facili-  
23      ties or have participated in correctional pro-  
24      grams;

(B) the feasibility of linking Federal juvenile corrections funding to the satisfaction of performance-based criteria by grantees (including the use of a Federal matching mechanism under which the share of Federal funding would vary in relation to the performance of a program or facility);

(C) whether, and to what extent, the data necessary for the Attorney General to utilize performance-based criteria in the Attorney General's administration of juvenile corrections programs are collected and reported nationally; and

(D) the estimated cost and feasibility of establishing minimal, uniform data collection and reporting standards nationwide that would allow for the use of performance-based criteria in evaluating juvenile corrections programs and facilities and administering Federal juvenile corrections funds.

**SEC. 1402. CERTAIN PUNISHMENT AND GRADUATED SANCTIONS FOR YOUTH OFFENDERS.**

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

1           (A) youth violence constitutes a growing  
2 threat to the national welfare requiring imme-  
3 diate and comprehensive action by the Federal  
4 Government to reduce and prevent youth vio-  
5 lence;

6           (B) the behavior of youth who become vio-  
7 lent offenders often follows a progression, be-  
8 ginning with aggressive behavior in school, tru-  
9 ancy, and vandalism, leading to property crimes  
10 and then serious violent offenses;

11          (C) the juvenile justice systems in most  
12 States are ill-equipped to provide meaningful  
13 sanctions to minor, nonviolent offenders be-  
14 cause most of their resources are dedicated to  
15 dealing with more serious offenders;

16          (D) in most States, some youth commit  
17 multiple, nonviolent offenses without facing any  
18 significant criminal sanction;

19          (E) the failure to provide meaningful  
20 criminal sanctions for first time, nonviolent of-  
21 fenders sends the false message to youth that  
22 they can engage in antisocial behavior without  
23 suffering any negative consequences and that  
24 society is unwilling or unable to restrain that  
25 behavior;

1 (F) studies demonstrate that interventions  
 2 during the early stages of a criminal career can  
 3 halt the progression to more serious, violent be-  
 4 havior; and

5 (G) juvenile courts need access to a range  
 6 of sentencing options so that at least some level  
 7 of sanction is imposed on all youth offenders,  
 8 including status offenders, and the severity of  
 9 the sanctions increase along with the serious-  
 10 ness of the offense.

11 (2) PURPOSES.—The purposes of this section  
 12 are to provide—

13 (A) assistance to State and local juvenile  
 14 courts to expand the range of sentencing op-  
 15 tions for first time, nonviolent offenders; and

16 (B) a selection of graduated sanctions for  
 17 more serious offenses.

18 (b) DEFINITIONS.—In this section:

19 (1) FIRST TIME OFFENDER.—The term “first  
 20 time offender” means a juvenile against whom for-  
 21 mal charges have not previously been filed in any  
 22 Federal or State judicial proceeding.

23 (2) NONVIOLENT OFFENDER.—The term “non-  
 24 violent offender” means a juvenile who is charged



1 with an offense that does not involve the use of force  
2 against the person of another.

3 (3) STATUS OFFENDER.—The term “status of-  
4 fender” means a juvenile who is charged with an of-  
5 fense that would not be criminal if committed by an  
6 adult (other than an offense that constitutes a viola-  
7 tion of a valid court order or a violation of section  
8 922(x) of title 18, United States Code (or similar  
9 State law)).

10 (c) GRANT AUTHORIZATION.—The Attorney General  
11 may make grants in accordance with this section to States,  
12 State courts, local courts, units of local government, and  
13 Indian tribes, for the purposes of—

14 (1) providing juvenile courts with a range of  
15 sentencing options such that first time juvenile of-  
16 fenders, including status offenders such as truants,  
17 vandals, and juveniles in violation of State or local  
18 curfew laws, face at least some level of punishment  
19 as a result of their initial contact with the juvenile  
20 justice system; and

21 (2) increasing the sentencing options available  
22 to juvenile court judges so that juvenile offenders re-  
23 ceive increasingly severe sanctions—

24 (A) as the seriousness of their unlawful  
25 conduct increases; and

1 (B) for each additional offense.

2 (d) APPLICATIONS.—

3 (1) ELIGIBILITY.—In order to be eligible to re-  
4 ceive a grant under this section, the chief executive  
5 of a State, unit of local government, or Indian tribe,  
6 or the chief judge of a local court, shall submit an  
7 application to the Attorney General in such form  
8 and containing such information as the Attorney  
9 General may reasonably require.

10 (2) REQUIREMENTS.—Each application sub-  
11 mitted in accordance with paragraph (1) shall  
12 include—

13 (A) a request for a grant to be used for  
14 the purposes described in this section;

15 (B) a description of the communities to be  
16 served by the grant, including the extent of  
17 youth crime and violence in those communities;

18 (C) written assurances that Federal funds  
19 received under this subtitle will be used to sup-  
20 plement, not supplant, non-Federal funds that  
21 would otherwise be available for activities fund-  
22 ed under this subsection;

23 (D) a comprehensive plan described in  
24 paragraph (3) (in this section referred to as the  
25 “comprehensive plan”); and

1           (E) any additional information in such  
2           form and containing such information as the  
3           Attorney General may reasonably require.

4           (3) IMPLEMENTATION PLAN.—For purposes of  
5           paragraph (2), a comprehensive plan shall include—

6                 (A) an action plan outlining the manner in  
7                 which the applicant will achieve the purposes  
8                 described in subsection (c)(1);

9                 (B) a description of any resources available  
10                in the jurisdiction of the applicant to implement  
11                the action plan described in subparagraph (A);

12                (C) an estimate of the costs of full imple-  
13                mentation of the plan; and

14                (D) a plan for evaluating the impact of the  
15                grant on the jurisdiction's juvenile justice sys-  
16                tem.

17           (e) GRANT AWARDS.—

18                (1) CONSIDERATIONS.—In awarding grants  
19                under this section, the Attorney General shall  
20                consider—

21                 (A) the ability of the applicant to provide  
22                 the stated services;

23                 (B) the level of youth crime, violence, and  
24                 drug use in the community; and

1 (C) to the extent practicable, achievement  
 2 of an equitable geographic distribution of the  
 3 grant awards.

4 (2) ALLOCATIONS.—

5 (A) IN GENERAL.—The Attorney General  
 6 shall allot not less than 0.75 percent of the  
 7 total amount made available to carry out this  
 8 section in each fiscal year to applicants in each  
 9 State from which applicants have applied for  
 10 grants under this section.

11 (B) INDIAN TRIBES.—The Attorney Gen-  
 12 eral shall allocate not less than 0.75 percent of  
 13 the total amount made available to carry out  
 14 this section in each fiscal year to Indian tribes.

15 (f) USE OF GRANT AMOUNTS.—

16 (1) IN GENERAL.—Each grant made under this  
 17 section shall be used to establish programs that—

18 (A) expand the number of judges, prosecu-  
 19 tors, and public defenders for the purpose of  
 20 imposing sanctions on first time juvenile offend-  
 21 ers and status offenders and for establishing re-  
 22 storative justice boards involving members of  
 23 the community;

24 (B) provide expanded sentencing options,  
 25 such as restitution, community service, drug

1 testing and treatment, mandatory job training,  
2 curfews, house arrest, mandatory work projects,  
3 and boot camps, for status offenders and non-  
4 violent offenders;

5 (C) increase staffing for probation officers  
6 to supervise status offenders and nonviolent of-  
7 fenders to ensure that sanctions are enforced;

8 (D) provide aftercare and supervision for  
9 status and nonviolent offenders, such as drug  
10 education and drug treatment, vocational train-  
11 ing, job placement, and family counseling;

12 (E) encourage private sector employees to  
13 provide training and work opportunities for sta-  
14 tus offenders and nonviolent offenders; and

15 (F) provide services and interventions for  
16 status and nonviolent offenders designed, in  
17 tandem with criminal sanctions, to reduce the  
18 likelihood of further criminal behavior.

19 (2) PROHIBITION ON USE OF AMOUNTS.—

20 (A) DEFINITIONS.—In this paragraph:

21 (i) ALIEN.—The term “alien” has the  
22 same meaning as in section 101(a) of the  
23 Immigration and Nationality Act (8 U.S.C.  
24 1101(a)).

1                   (ii) SECURE DETENTION FACILITY;  
 2                   SECURE CORRECTIONAL FACILITY.—The  
 3                   terms “secure detention facility” and “se-  
 4                   cure correctional facility” have the same  
 5                   meanings as in section 103 of the Juvenile  
 6                   Justice and Delinquency Prevention Act of  
 7                   1974 (42 U.S.C. 5603).

8                   (B) PROHIBITION.—No amounts made  
 9                   available under this subtitle may be used for  
 10                  any program that permits the placement of sta-  
 11                  tus offenders, alien juveniles in custody, or non-  
 12                  offender juveniles (such as dependent, abused,  
 13                  or neglected children) in secure detention facili-  
 14                  ties or secure correctional facilities.

15               (g) GRANT LIMITATIONS.—Not more than 3 percent  
 16               of the amounts made available to the Attorney General  
 17               or a grant recipient under this section may be used for  
 18               administrative purposes.

19               (h) FEDERAL SHARE.—

20               (1) IN GENERAL.—Subject to paragraphs (2)  
 21               and (3), the Federal share of a grant made under  
 22               this section may not exceed 90 percent of the total  
 23               estimated costs of the program described in the com-  
 24               prehensive plan submitted under subsection (d)(3)

1 for the fiscal year for which the program receives  
2 assistance under this section.

3 (2) WAIVER.—The Attorney General may  
4 waive, in whole or in part, the requirements of para-  
5 graph (1).

6 (3) IN-KIND CONTRIBUTIONS.—For purposes of  
7 paragraph (1), in-kind contributions may constitute  
8 any portion of the non-Federal share of a grant  
9 under this section.

10 (i) REPORT AND EVALUATION.—

11 (1) REPORT TO THE ATTORNEY GENERAL.—  
12 Not later than October 1, 2002, and October 1 of  
13 each year thereafter, each grant recipient under this  
14 section shall submit to the Attorney General a report  
15 that describes, for the year to which the report re-  
16 lates, any progress achieved in carrying out the com-  
17 prehensive plan of the grant recipient.

18 (2) EVALUATION AND REPORT TO CONGRESS.—  
19 Not later than March 1, 2003, and March 1 of each  
20 year thereafter, the Attorney General shall submit to  
21 Congress an evaluation and report that contains a  
22 detailed statement regarding grant awards, activities  
23 of grant recipients, a compilation of statistical infor-  
24 mation submitted by grant recipients under this sec-

1       tion, and an evaluation of programs established by  
2       grant recipients under this section.

3           (3) CRITERIA.—In assessing the effectiveness of  
4       the programs established and operated by grant re-  
5       cipients pursuant to this section, the Attorney Gen-  
6       eral shall consider—

7           (A) a comparison between the number of  
8       first time offenders who received a sanction for  
9       criminal behavior in the jurisdiction of the  
10      grant recipient before and after initiation of the  
11      program;

12          (B) changes in the recidivism rate for first  
13      time offenders in the jurisdiction of the grant  
14      recipient;

15          (C) a comparison of the recidivism rates  
16      and the seriousness of future offenses of first  
17      time offenders in the jurisdiction of the grant  
18      recipient that receive a sanction and those who  
19      do not;

20          (D) changes in truancy rates of the public  
21      schools in the jurisdiction of the grant recipient;  
22      and

23          (E) changes in the arrest rates for van-  
24      dalism and other property crimes in the juris-  
25      diction of the grant recipient.



1           (4) DOCUMENTS AND INFORMATION.—Each  
 2           grant recipient under this section shall provide the  
 3           Attorney General with all documents and informa-  
 4           tion that the Attorney General determines to be nec-  
 5           essary to conduct an evaluation of the effectiveness  
 6           of programs funded under this section.

7           (j) AUTHORIZATION OF APPROPRIATIONS.—There  
 8           are authorized to be appropriated to carry out this section  
 9           from the Violent Crime Reduction Trust Fund—

10           (1) such sums as may be necessary for each of  
 11           fiscal years 2002 and 2003; and

12           (2) \$175,000,000 for each of fiscal years 2004  
 13           and 2005.

14   **SEC. 1403. PILOT PROGRAM TO PROMOTE REPLICATION OF**  
 15                           **RECENT SUCCESSFUL JUVENILE CRIME RE-**  
 16                           **DUCTION STRATEGIES.**

17           (a) PILOT PROGRAM TO PROMOTE REPLICATION OF  
 18           RECENT SUCCESSFUL JUVENILE CRIME REDUCTION  
 19           STRATEGIES.—

20           (1) ESTABLISHMENT.—The Attorney General  
 21           (or a designee of the Attorney General), in conjunc-  
 22           tion with the Secretary of the Treasury (or the des-  
 23           ignee of the Secretary), shall establish a pilot pro-  
 24           gram (in this section referred to as the “program”)  
 25           to encourage and support communities that adopt a

1 comprehensive approach to suppressing and pre-  
2 venting violent juvenile crime patterned after suc-  
3 cessful State juvenile crime reduction strategies.

4 (2) PROGRAM.—In carrying out the program,  
5 the Attorney General shall—

6 (A) make and track grants to grant recipi-  
7 ents (in this section referred to as “coalitions”);

8 (B) in conjunction with the Secretary of  
9 the Treasury, provide for technical assistance  
10 and training, data collection, and dissemination  
11 of relevant information; and

12 (C) provide for the general administration  
13 of the program.

14 (3) ADMINISTRATION.—Not later than 30 days  
15 after the date of enactment of this Act, the Attorney  
16 General shall appoint an Administrator (in this sec-  
17 tion referred to as the “Administrator”) to carry out  
18 the program.

19 (4) PROGRAM AUTHORIZATION.—To be eligible  
20 to receive an initial grant or a renewal grant under  
21 this section, a coalition shall meet each of the fol-  
22 lowing criteria:

23 (A) COMPOSITION.—The coalition shall  
24 consist of 1 or more representatives of—

- 1 (i) the local police department or sher-  
2 iff's department;
- 3 (ii) the local prosecutors' office;
- 4 (iii) the United States Attorney's of-  
5 fice;
- 6 (iv) the Federal Bureau of Investiga-  
7 tion;
- 8 (v) the Bureau of Alcohol, Tobacco  
9 and Firearms;
- 10 (vi) State or local probation officers;
- 11 (vii) religious affiliated or fraternal  
12 organizations involved in crime prevention;
- 13 (viii) schools;
- 14 (ix) parents or local grass roots orga-  
15 nizations such as neighborhood watch  
16 groups; and
- 17 (x) social service agencies involved in  
18 crime prevention.

19 (B) OTHER PARTICIPANTS.—If possible, in  
20 addition to the representatives from the cat-  
21 egories listed in subparagraph (A), the coalition  
22 shall include—

- 23 (i) representatives from the business  
24 community; and

1                   (ii) researchers who have studied  
2                   criminal justice and can offer technical or  
3                   other assistance.

4                   (C) COORDINATED STRATEGY.—A coalition  
5                   shall submit to the Attorney General, or the At-  
6                   torney General’s designee, a comprehensive plan  
7                   for reducing violent juvenile crime. To be eligi-  
8                   ble for consideration, a plan shall—

9                   (i) ensure close collaboration among  
10                  all members of the coalition in suppressing  
11                  and preventing juvenile crime;

12                  (ii) place heavy emphasis on coordi-  
13                  nated enforcement initiatives, such as Fed-  
14                  eral and State programs that coordinate  
15                  local police departments, prosecutors, and  
16                  local community leaders to focus on the  
17                  suppression of violent juvenile crime involv-  
18                  ing gangs;

19                  (iii) ensure that there is close collabo-  
20                  ration between police and probation offi-  
21                  cers in the supervision of juvenile offend-  
22                  ers, such as initiatives that coordinate the  
23                  efforts of parents, school officials, and po-  
24                  lice and probation officers to patrol the  
25                  streets and make home visits to ensure

1 that offenders comply with the terms of  
2 their probation;

3 (iv) ensure that a program is in place  
4 to trace all firearms seized from crime  
5 scenes or offenders in an effort to identify  
6 illegal gun traffickers; and

7 (v) ensure that effective crime preven-  
8 tion programs are in place, such as pro-  
9 grams that provide after-school safe havens  
10 and other opportunities for at-risk youth to  
11 escape or avoid gang or other criminal ac-  
12 tivity, and to reduce recidivism.

13 (D) ACCOUNTABILITY.—A coalition shall—

14 (i) establish a system to measure and  
15 report outcomes consistent with common  
16 indicators and evaluation protocols estab-  
17 lished by the Administrator and which re-  
18 ceives the approval of the Administrator;  
19 and

20 (ii) devise a detailed model for meas-  
21 uring and evaluating the success of the  
22 plan of the coalition in reducing violent ju-  
23 venile crime, and provide assurances that  
24 the plan will be evaluated on a regular

1 basis to assess progress in reducing violent  
2 juvenile crime.

3 (5) GRANT AMOUNTS.—

4 (A) IN GENERAL.—The Administrator may  
5 grant to an eligible coalition under this para-  
6 graph, an amount not to exceed the amount of  
7 non-Federal funds raised by the coalition, in-  
8 cluding in-kind contributions, for that fiscal  
9 year.

10 (B) NONSUPPLANTING REQUIREMENT.—A  
11 coalition seeking funds shall provide reasonable  
12 assurances that funds made available under this  
13 program to States or units of local government  
14 shall be so used as to supplement and increase  
15 (but not supplant) the level of the State, local,  
16 and other non-Federal funds that would in the  
17 absence of such Federal funds be made avail-  
18 able for programs described in this section, and  
19 shall in no event replace such State, local, or  
20 other non-Federal funds.

21 (C) SUSPENSION OF GRANTS.—If a coali-  
22 tion fails to continue to meet the criteria set  
23 forth in this section, the Administrator may  
24 suspend the grant, after providing written no-

1           tice to the grant recipient and an opportunity  
2           to appeal.

3           (D) RENEWAL GRANTS.—Subject to sub-  
4           paragraph (E), the Administrator may award a  
5           renewal grant to a grant recipient under this  
6           subparagraph for each fiscal year following the  
7           fiscal year for which an initial grant is awarded,  
8           in an amount not to exceed the amount of non-  
9           Federal funds raised by the coalition, including  
10          in-kind contributions, for that fiscal year, dur-  
11          ing the 4-year period following the period of the  
12          initial grant.

13          (E) LIMITATION.—The amount of a grant  
14          award under this section may not exceed  
15          \$300,000 for a fiscal year.

16          (6) PERMITTED USE OF FUNDS.—A coalition  
17          receiving funds under this section may expend such  
18          Federal funds on any use or program that is con-  
19          tained in the plan submitted to the Administrator.

20          (7) CONGRESSIONAL CONSULTATION.—Two  
21          years after the date of implementation of the pro-  
22          gram established in this section, the General Ac-  
23          counting Office shall submit a report to Congress re-  
24          viewing the effectiveness of the program in sup-  
25          pressing and reducing violent juvenile crime in the

1 participating communities. The report shall contain  
 2 an analysis of each community participating in the  
 3 program, along with information regarding the plan  
 4 undertaken in the community, and the effectiveness  
 5 of the plan in reducing violent juvenile crime. The  
 6 report shall contain recommendations regarding the  
 7 efficacy of continuing the program.

8 (b) INFORMATION COLLECTION AND DISSEMINATION  
 9 WITH RESPECT TO COALITIONS.—

10 (1) COALITION INFORMATION.—For the pur-  
 11 pose of audit and examination, the Administrator—

12 (A) shall have access to any books, docu-  
 13 ments, papers, and records that are pertinent to  
 14 any grant or grant renewal request under this  
 15 section; and

16 (B) may periodically request information  
 17 from a coalition to ensure that the coalition  
 18 meets the applicable criteria.

19 (2) REPORTING.—The Administrator shall, to  
 20 the maximum extent practicable and in a manner  
 21 consistent with applicable law, minimize reporting  
 22 requirements by a coalition and expedite any appli-  
 23 cation for a renewal grant made under this section.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 25 are authorized to be appropriated from the Violent Crime



1 Reduction Trust Fund to carry out this section,  
 2 \$3,000,000 in each of fiscal years 2002, 2003, and 2004.

3 **SEC. 1404. REIMBURSEMENT OF STATES FOR COSTS OF IN-**  
 4 **CARCERATING JUVENILE ALIEN OFFENDERS.**

5 (a) IN GENERAL.—Section 501 of the Immigration  
 6 Reform and Control Act of 1986 (8 U.S.C. 1365) is  
 7 amended—

8 (1) in subsection (a), by inserting “or illegal ju-  
 9 venile alien who has been adjudicated delinquent and  
 10 committed to a juvenile correctional facility by such  
 11 State or locality” before the period;

12 (2) in subsection (b), by inserting “(including  
 13 any juvenile alien who has been adjudicated delin-  
 14 quent and has been committed to a correctional fa-  
 15 cility)” before “who is in the United States unlaw-  
 16 fully”; and

17 (3) by adding at the end the following:

18 “(f) JUVENILE ALIEN DEFINED.—In this section,  
 19 the term ‘juvenile alien’ means an alien (as that term is  
 20 defined in section 101(a)(3) of the Immigration and Na-  
 21 tionality Act (8 U.S.C. 1103)) who has been adjudicated  
 22 delinquent and committed to a correctional facility by a  
 23 State or locality as a juvenile offender.”.

1           **Subtitle E—Ballistics, Law**  
2   **Assistance, and Safety Technology**

3   **SEC. 1501. SHORT TITLE.**

4           This subtitle may be cited as the “Ballistics, Law As-  
5   sistance, and Safety Technology Act” (“BLAST”).

6   **SEC. 1502. PURPOSES.**

7           The purposes of this subtitle are—

8               (1) to increase public safety by assisting law en-  
9               forcement in solving more gun-related crimes and of-  
10              fering prosecutors evidence to link felons to gun  
11              crimes through ballistics technology;

12              (2) to provide for ballistics testing of all new  
13              firearms for sale to assist in the identification of  
14              firearms used in crimes;

15              (3) to require ballistics testing of all firearms in  
16              custody of Federal agencies to assist in the identi-  
17              fication of firearms used in crimes; and

18              (4) to add ballistics testing to existing firearms  
19              enforcement programs.

20   **SEC. 1503. DEFINITION OF BALLISTICS.**

21           Section 921(a) of title 18, United States Code, is  
22   amended by adding at the end the following:

23               “(35) BALLISTICS.—The term ‘ballistics’ means  
24              a comparative analysis of fired bullets and cartridge  
25              casings to identify the firearm from which bullets

1       were discharged, through identification of the unique  
 2       characteristics that each firearm imprints on bullets  
 3       and cartridge casings.”.

4   **SEC. 1504. TEST FIRING AND AUTOMATED STORAGE OF**  
 5       **BALLISTICS RECORDS.**

6       (a) AMENDMENT.—Section 923 of title 18, United  
 7   States Code, is amended by adding at the end the fol-  
 8   lowing:

9       “(m)(1) In addition to the other licensing require-  
 10   ments under this section, a licensed manufacturer or li-  
 11   censed importer shall—

12           “(A) test fire firearms manufactured or im-  
 13       ported by such licensees as specified by the Sec-  
 14       retary by regulation;

15           “(B) prepare ballistics images of the fired bullet  
 16       and cartridge casings from the test fire;

17           “(C) make the records available to the Sec-  
 18       retary for entry in a computerized database; and

19           “(D) store the fired bullet and cartridge casings  
 20       in such a manner and for such a period as specified  
 21       by the Secretary by regulation.

22       “(2) Nothing in this subsection creates a cause of ac-  
 23   tion against any Federal firearms licensee or any other  
 24   person for any civil liability except for imposition of a civil  
 25   penalty under this section.

1       “(3)(A) The Attorney General and the Secretary  
2 shall assist firearm manufacturers and importers in com-  
3 plying with paragraph (1) through—

4           “(i) the acquisition, disposition, and upgrades  
5 of ballistics equipment and bullet recovery equip-  
6 ment to be placed at or near the sites of licensed  
7 manufacturers and importers;

8           “(ii) the hiring or designation of personnel nec-  
9 essary to develop and maintain a database of ballis-  
10 tics images of fired bullets and cartridge casings, re-  
11 search and evaluation;

12           “(iii) providing education about the role of bal-  
13 listics as part of a comprehensive firearm crime re-  
14 duction strategy;

15           “(iv) providing for the coordination among Fed-  
16 eral, State, and local law enforcement and regulatory  
17 agencies and the firearm industry to curb firearm-  
18 related crime and illegal firearm trafficking; and

19           “(v) any other steps necessary to make ballis-  
20 tics testing effective.

21       “(B) The Attorney General and the Secretary shall—

22           “(i) establish a computer system through which  
23 State and local law enforcement agencies can  
24 promptly access ballistics records stored under this

1 subsection, as soon as such a capability is available;  
2 and

3 “(ii) encourage training for all ballistics exam-  
4 iners.

5 “(4) Not later than 1 year after the date of enact-  
6 ment of this subsection and annually thereafter, the Attor-  
7 ney General and the Secretary shall submit to the Com-  
8 mittee on the Judiciary of the Senate and the Committee  
9 on the Judiciary of the House of Representatives a report  
10 regarding the impact of this section, including—

11 “(A) the number of Federal and State criminal  
12 investigations, arrests, indictments, and prosecutions  
13 of all cases in which access to ballistics records pro-  
14 vided under this section served as a valuable inves-  
15 tigative tool;

16 “(B) the extent to which ballistics records are  
17 accessible across jurisdictions; and

18 “(C) a statistical evaluation of the test pro-  
19 grams conducted pursuant to section 1506 of the  
20 Ballistics, Law Assistance, and State Technology  
21 Act.

22 “(5) There is authorized to be appropriated to the  
23 Department of Justice and the Department of the Treas-  
24 ury for each of fiscal years 2002 through 2005,  
25 \$20,000,000 to carry out this subsection, including—

1           “(A) installation of ballistics equipment and  
2       bullet recovery equipment;

3           “(B) establishment of sites for ballistics testing;

4           “(C) salaries and expenses of necessary per-  
5       sonnel; and

6           “(D) research and evaluation.

7       “(6) The Secretary and the Attorney General shall  
8       conduct mandatory ballistics testing of all firearms ob-  
9       tained or in the possession of their respective agencies.”.

10       (b) EFFECTIVE DATE.—

11           (1) IN GENERAL.—Except as provided in para-  
12       graph (2), the amendment made by subsection (a)  
13       take effect on the date on which the Attorney Gen-  
14       eral and the Secretary of the Treasury, in consulta-  
15       tion with the Board of the National Integrated Bal-  
16       listics Information Network, certify that the ballis-  
17       tics systems used by the Department of Justice and  
18       the Department of the Treasury are sufficiently  
19       interoperable to make mandatory ballistics testing of  
20       new firearms possible.

21           (2) EFFECTIVE ON DATE OF ENACTMENT.—

22       Section 923(m)(6) of title 18, United States Code,  
23       as added by subsection (a), shall take effect on the  
24       date of enactment of this Act.

1 **SEC. 1505. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.**

2 Ballistics information of individual guns in any form  
3 or database established by this Act may not be used for—

4 (1) prosecutorial purposes unless law enforce-  
5 ment officials have a reasonable belief that a crime  
6 has been committed and that ballistics information  
7 would assist in the investigation of that crime; or

8 (2) the creation of a national firearms registry  
9 of gun owners.

10 **SEC. 1506. DEMONSTRATION FIREARM CRIME REDUCTION**  
11 **STRATEGY.**

12 (a) IN GENERAL.—Not later than 60 days after the  
13 date of enactment of this Act, the Secretary of the Treas-  
14 ury and the Attorney General shall establish in the juris-  
15 dictions selected under subsection (c), a comprehensive  
16 firearm crime reduction strategy that meets the require-  
17 ments of subsection (b).

18 (b) PROGRAM ELEMENTS.—Each program estab-  
19 lished under subsection (a) shall, for the jurisdiction  
20 concerned—

21 (1) provide for ballistics testing, in accordance  
22 with criteria set forth by the National Integrated  
23 Ballistics Information Network, of all firearms re-  
24 covered during criminal investigations, in order to—

25 (A) identify the types and origins of the  
26 firearms;

1 (B) identify suspects; and

2 (C) link multiple crimes involving the same  
3 firearm;

4 (2) require that all identifying information re-  
5 lating to firearms recovered during criminal inves-  
6 tigations be promptly submitted to the Secretary of  
7 the Treasury, in order to identify the types and ori-  
8 gins of the firearms and to identify illegal firearms  
9 traffickers;

10 (3) provide for coordination among Federal,  
11 State, and local law enforcement officials, firearm  
12 examiners, technicians, laboratory personnel, inves-  
13 tigators, and prosecutors in the tracing and ballistics  
14 testing of firearms and the investigation and pros-  
15 ecution of firearms-related crimes including illegal  
16 firearms trafficking; and

17 (4) require analysis of firearm tracing and bal-  
18 listics data in order to establish trends in firearm-  
19 related crime and firearm trafficking.

20 (c) PARTICIPATING JURISDICTIONS.—

21 (1) IN GENERAL.—The Secretary of the Treas-  
22 ury and the Attorney General shall select not fewer  
23 than 10 jurisdictions for participation in the pro-  
24 gram under this section.



1           (2) CONSIDERATIONS.—In selecting jurisdic-  
2           tions under this subsection, the Secretary of the  
3           Treasury and the Attorney General shall give pri-  
4           ority to jurisdictions that—

5                   (A) participate in comprehensive firearm  
6                   law enforcement strategies, including programs  
7                   such as the Youth Crime Gun Interdiction Ini-  
8                   tiative, Project Achilles, Project Disarm,  
9                   Project Triggerlock, Project Exile, Project  
10                  Surefire, and Operation Ceasefire;

11                  (B) draft a plan to share ballistics records  
12                  with nearby jurisdictions that require ballistics  
13                  testing of firearms recovered during criminal in-  
14                  vestigations; and

15                  (C) pledge to match Federal funds for the  
16                  expansion of ballistics testing on a one-on-one  
17                  basis.

18           (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
19           authorized to be appropriated for each of fiscal years 2002  
20           through 2005, \$20,000,000 to carry out this section,  
21           including—

22                   (1) installation of ballistics equipment; and

23                   (2) salaries and expenses for personnel (includ-  
24                   ing personnel from the Department of Justice and  
25                   the Bureau of Alcohol, Tobacco, and Firearms).

1     **Subtitle F—Offender Reentry and**  
2                     **Community Safety**

3     **SEC. 1601. SHORT TITLE.**

4             This subtitle may be cited as the “Offender Reentry  
5     and Community Safety Act of 2001”.

6     **SEC. 1602. FINDINGS.**

7             Congress finds the following:

8                     (1) There are now nearly 1,900,000 individuals  
9             in our country’s prisons and jails, including over  
10            140,000 individuals under the jurisdiction of the  
11            Federal Bureau of Prisons.

12                    (2) Enforcement of offender violations of condi-  
13            tions of releases has sharply increased the number  
14            of offenders who return to prison—while revocations  
15            comprised 17 percent of State prison admissions in  
16            1980, they rose to 36 percent in 1998.

17                    (3) Although prisoners generally are serving  
18            longer sentences than they did a decade ago, most  
19            eventually reenter communities; for example, in  
20            1999, approximately 538,000 State prisoners and  
21            over 50,000 Federal prisoners, a record number,  
22            were returned to American communities. Approxi-  
23            mately 100,000 State offenders who returned to  
24            communities received no supervision whatsoever.

1           (4) Historically, two-thirds of returning State  
2 prisoners have been rearrested for new crimes within  
3 three years, so these individuals pose a significant  
4 public safety risk and a continuing financial burden  
5 to society.

6           (5) A key element to effective post-incarceration  
7 supervision is an immediate, predetermined, and ap-  
8 propriate response to violations of the conditions of  
9 supervision.

10          (6) An estimated 187,000 State and Federal  
11 prison inmates have been diagnosed with mental  
12 health problems; about 70 percent of State prisoners  
13 and 57 percent of Federal prisoners have a history  
14 of drug use or abuse; and nearly 75 percent of re-  
15 leased offenders with heroin or cocaine problems re-  
16 turn to using drugs within three months if un-  
17 treated; however, few States link prison mental  
18 health treatment programs with those in the return  
19 community.

20          (7) Between 1987 and 1997, the volume of ju-  
21 venile adjudicated cases resulting in court-ordered  
22 residential placements rose 56 percent. In 1997  
23 alone, there were a total of 163,200 juvenile court-  
24 ordered residential placements. The steady increase  
25 of youth exiting residential placement has strained

1 the juvenile justice aftercare system, however, with-  
2 out adequate supervision and services, youth are  
3 likely to relapse, recidivate, and return to confine-  
4 ment at the public's expense.

5 (8) Emerging technologies and multidisciplinary  
6 community-based strategies present new opportuni-  
7 ties to alleviate the public safety risk posed by re-  
8 leased prisoners while helping offenders to reenter  
9 their communities successfully.

10 **SEC. 1603. PURPOSES.**

11 The purposes of this subtitle are to—

12 (1) establish demonstration projects in several  
13 Federal judicial districts, the District of Columbia,  
14 and in the Federal Bureau of Prisons, using new  
15 strategies and emerging technologies that alleviate  
16 the public safety risk posed by released prisoners by  
17 promoting their successful reintegration into the  
18 community;

19 (2) establish court-based programs to monitor  
20 the return of offenders into communities, using  
21 court sanctions to promote positive behavior;

22 (3) establish offender reentry demonstration  
23 projects in the states using government and commu-  
24 nity partnerships to coordinate cost efficient strate-  
25 gies that ensure public safety and enhance the suc-

(4) establish intensive aftercare demonstration projects that address public safety and ensure the special reentry needs of juvenile offenders by coordinating the resources of juvenile correctional agencies, juvenile courts, juvenile parole agencies, law enforcement agencies, social service providers, and local Workforce Investment Boards; and

14     **PART 1—FEDERAL REENTRY DEMONSTRATION**  
15                     **PROJECTS**

(a) AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.—From funds made available to carry out this section, the Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, shall establish the Federal Reentry Center Demonstration project. The project shall involve appropriate prisoners from the Federal prison population and shall utilize community corrections facilities, home confinement, and a coordinated response by Federal agen-

1 cies to assist participating prisoners, under close moni-  
2 toring and more seamless supervision, in preparing for  
3 and adjusting to reentry into the community.

4 (b) PROJECT ELEMENTS.—The project authorized by  
5 subsection (a) shall include—

6 (1) a Reentry Review Team for each prisoner,  
7 consisting of representatives from the Bureau of  
8 Prisons, the United States Probation System, and  
9 the relevant community corrections facility, who  
10 shall initially meet with the prisoner to develop a re-  
11 entry plan tailored to the needs of the prisoner and  
12 incorporating victim impact information, and will  
13 thereafter meet regularly to monitor the prisoner's  
14 progress toward reentry and coordinate access to ap-  
15 propriate reentry measures and resources;

16 (2) regular drug testing, as appropriate;

17 (3) a system of graduated levels of supervision  
18 within the community corrections facility to promote  
19 community safety, provide incentives for prisoners to  
20 complete the reentry plan, including victim restitu-  
21 tion, and provide a reasonable method for imposing  
22 immediate sanctions for a prisoner's minor or tech-  
23 nical violation of the conditions of participation in  
24 the project;

1           (4) substance abuse treatment and aftercare,  
2           mental and medical health treatment and aftercare,  
3           vocational and educational training, life skills in-  
4           struction, conflict resolution skills training, batterer  
5           intervention programs, assistance obtaining suitable  
6           affordable housing, and other programming to pro-  
7           mote effective reintegration into the community as  
8           needed;

9           (5) to the extent practicable, the recruitment  
10          and utilization of local citizen volunteers, including  
11          volunteers from the faith-based and business com-  
12          munities, to serve as advisers and mentors to pris-  
13          oners being released into the community;

14          (6) a description of the methodology and out-  
15          come measures that will be used to evaluate the pro-  
16          gram; and

17          (7) notification to victims on the status and na-  
18          ture of offenders' reentry plan.

19          (c) PROBATION OFFICERS.—From funds made avail-  
20          able to carry out this section, the Director of the Adminis-  
21          trative Office of the United States Courts shall assign one  
22          or more probation officers from each participating judicial  
23          district to the Reentry Demonstration project. Such offi-  
24          cers shall be assigned to and stationed at the community

1 corrections facility and shall serve on the Reentry Review  
2 Teams.

3 (d) PROJECT DURATION.—The Reentry Center Dem-  
4 onstration project shall begin not later than 6 months fol-  
5 lowing the availability of funds to carry out this section,  
6 and shall last 3 years. The Attorney General may extend  
7 the project for a period of up to 6 months to enable partic-  
8 ipant prisoners to complete their involvement in the  
9 project.

10 (e) SELECTION OF DISTRICTS.—The Attorney Gen-  
11 eral, in consultation with the Judicial Conference of the  
12 United States, shall select an appropriate number of Fed-  
13 eral judicial districts in which to carry out the Reentry  
14 Center Demonstration project.

15 (f) COORDINATION OF PROJECTS.—The Attorney  
16 General, may, if appropriate, include in the Reentry Cen-  
17 ter Demonstration project offenders who participated in  
18 the Enhanced In-Prison Vocational Assessment and  
19 Training Demonstration project established by section  
20 1615 of this Act.

21 **SEC. 1612. FEDERAL HIGH-RISK OFFENDER REENTRY DEM-**  
22 **ONSTRATION.**

23 (a) AUTHORITY AND ESTABLISHMENT OF DEM-  
24 ONSTRATION PROJECT.—From funds made available to  
25 carry out this section, the Director of the Administrative



1 Office of the United States Courts, in consultation with  
2 the Attorney General, shall establish the Federal High-  
3 Risk Offender Reentry Demonstration project. The project  
4 shall involve Federal offenders under supervised release  
5 who have previously violated the terms of their release fol-  
6 lowing a term of imprisonment and shall utilize, as appro-  
7 priate and indicated, community corrections facilities,  
8 home confinement, appropriate monitoring technologies,  
9 and treatment and programming to promote more effec-  
10 tive reentry into the community.

11 (b) PROJECT ELEMENTS.—The project authorized by  
12 subsection (a) shall include—

13 (1) participation by Federal prisoners who have  
14 previously violated the terms of their release fol-  
15 lowing a term of imprisonment;

16 (2) use of community corrections facilities and  
17 home confinement that, together with the technology  
18 referenced in paragraph (5), will be part of a system  
19 of graduated levels of supervision;

20 (3) substance abuse treatment and aftercare,  
21 mental and medical health treatment and aftercare,  
22 vocational and educational training, life skills in-  
23 struction, conflict resolution skills training, batterer  
24 intervention programs, and other programming to

1 promote effective reintegration into the community  
2 as appropriate;

3 (4) involvement of a victim advocate and the  
4 family of the prisoner, if it is safe for the victim(s),  
5 especially in domestic violence cases, to be involved;

6 (5) the use of monitoring technologies, as ap-  
7 propriate and indicated, to monitor and supervise  
8 participating offenders in the community;

9 (6) a description of the methodology and out-  
10 come measures that will be used to evaluate the pro-  
11 gram; and

12 (7) notification to victims on the status and na-  
13 ture of a prisoner's reentry plan.

14 (c) MANDATORY CONDITION OF SUPERVISED RE-  
15 LEASE.—In each of the judicial districts in which the dem-  
16 onstration project is in effect, appropriate offenders who  
17 are found to have violated a previously imposed term of  
18 supervised release and who will be subject to some addi-  
19 tional term of supervised release, shall be designated to  
20 participate in the demonstration project. With respect to  
21 these offenders, the court shall impose additional manda-  
22 tory conditions of supervised release that each offender  
23 shall, as directed by the probation officer, reside at a com-  
24 munity corrections facility or participate in a program of

1 home confinement, or both, and submit to appropriate  
 2 monitoring, and otherwise participate in the project.

3 (d) PROJECT DURATION.—The Federal High-Risk  
 4 Offender Reentry Demonstration shall begin not later  
 5 than six months following the availability of funds to carry  
 6 out this section, and shall last 3 years. The Director of  
 7 the Administrative Office of the United States Courts may  
 8 extend the project for a period of up to six months to en-  
 9 able participating prisoners to complete their involvement  
 10 in the project.

11 (e) SELECTION OF DISTRICTS.—The Judicial Con-  
 12 ference of the United States, in consultation with the At-  
 13 torney General, shall select an appropriate number of Fed-  
 14 eral judicial districts in which to carry out the Federal  
 15 High-Risk Offender Reentry Demonstration project.

16 **SEC. 1613. DISTRICT OF COLUMBIA INTENSIVE SUPER-**  
 17 **VISION, TRACKING, AND REENTRY TRAINING**  
 18 **(DC ISTART) DEMONSTRATION.**

19 (a) AUTHORITY AND ESTABLISHMENT OF DEM-  
 20 ONSTRATION PROJECT.—From funds made available to  
 21 carry out this section, the Trustee of the Court Services  
 22 and Offender Supervision Agency of the District of Colum-  
 23 bia, as authorized by the National Capital Revitalization  
 24 and Self Government Improvement Act of 1997 (Public  
 25 Law 105–33; 111 Stat. 712) shall establish the District

1 of Columbia Intensive Supervision, Tracking and Reentry  
2 Training Demonstration (DC iSTART) project. The  
3 project shall involve high risk District of Columbia parol-  
4 ees who would otherwise be released into the community  
5 without a period of confinement in a community correc-  
6 tions facility and shall utilize intensive supervision, moni-  
7 toring, and programming to promote such parolees' suc-  
8 cessful reentry into the community.

9 (b) PROJECT ELEMENTS.—The project authorized by  
10 subsection (a) shall include—

11 (1) participation by appropriate high risk parol-  
12 ees;

13 (2) use of community corrections facilities and  
14 home confinement;

15 (3) a Reentry Review Team that includes a vic-  
16 tim witness professional for each parolee which shall  
17 meet with the parolee—by video conference or other  
18 means as appropriate—before the parolee's release  
19 from the custody of the Federal Bureau of Prisons  
20 to develop a reentry plan that incorporates victim  
21 impact information and is tailored to the needs of  
22 the parolee and which will thereafter meet regularly  
23 to monitor the parolee's progress toward reentry and  
24 coordinate access to appropriate reentry measures  
25 and resources;

1           (4) regular drug testing, as appropriate;

2           (5) a system of graduated levels of supervision  
3 within the community corrections facility to promote  
4 community safety, encourage victim restitution, pro-  
5 vide incentives for prisoners to complete the reentry  
6 plan, and provide a reasonable method for imme-  
7 diately sanctioning a prisoner's minor or technical  
8 violation of the conditions of participation in the  
9 project;

10          (6) substance abuse treatment and aftercare,  
11 mental and medical health treatment and aftercare,  
12 vocational and educational training, life skills in-  
13 struction, conflict resolution skills training, batterer  
14 intervention programs, assistance obtaining suitable  
15 affordable housing, and other programming to pro-  
16 mote effective reintegration into the community as  
17 needed and indicated;

18          (7) the use of monitoring technologies, as ap-  
19 propriate;

20          (8) to the extent practicable, the recruitment  
21 and utilization of local citizen volunteers, including  
22 volunteers from the faith-based communities, to  
23 serve as advisers and mentors to prisoners being re-  
24 leased into the community; and

1           (9) notification to victims on the status and na-  
2           ture of a prisoner's reentry plan.

3           (c) MANDATORY CONDITION OF PAROLE.—For those  
4 offenders eligible to participate in the demonstration  
5 project, the United States Parole Commission shall impose  
6 additional mandatory conditions of parole such that the  
7 offender when on parole shall, as directed by the commu-  
8 nity supervision officer, reside at a community corrections  
9 facility or participate in a program of home confinement,  
10 or both, submit to electronic and other remote monitoring,  
11 and otherwise participate in the project.

12          (d) PROGRAM DURATION.—The District of Columbia  
13 Intensive Supervision, Tracking and Reentry Training  
14 Demonstration shall begin not later than 6 months fol-  
15 lowing the availability of funds to carry out this section,  
16 and shall last 3 years. The Trustee of the Court Services  
17 and Offender Supervision Agency of the District of Colum-  
18 bia may extend the project for a period of up to 6 months  
19 to enable participating prisoners to complete their involve-  
20 ment in the project.

21 **SEC. 1614. FEDERAL INTENSIVE SUPERVISION, TRACKING,**  
22 **AND REENTRY TRAINING (FED ISTART) DEM-**  
23 **ONSTRATION.**

24          (a) AUTHORITY AND ESTABLISHMENT OF DEM-  
25 ONSTRATION PROJECT.—From funds made available to

1 carry out this section, the Director of the Administrative  
2 Office of the United States Courts shall establish the Fed-  
3 eral Intensive Supervision, Tracking and Reentry Training  
4 Demonstration (FED iSTART) project. The project shall  
5 involve appropriate high risk Federal offenders who are  
6 being released into the community without a period of con-  
7 finement in a community corrections facility.

8 (b) PROJECT ELEMENTS.—The project authorized by  
9 subsection (a) shall include—

10 (1) participation by appropriate high risk Fed-  
11 eral offenders;

12 (2) significantly smaller caseloads for probation  
13 officers participating in the demonstration project;

14 (3) substance abuse treatment and aftercare,  
15 mental and medical health treatment and aftercare,  
16 vocational and educational training, life skills in-  
17 struction, conflict resolution skills training, batterer  
18 intervention programs, assistance obtaining suitable  
19 affordable housing, and other programming to pro-  
20 mote effective reintegration into the community as  
21 needed; and

22 (4) notification to victims on the status and na-  
23 ture of a prisoner's reentry plan.

24 (c) PROGRAM DURATION.—The Federal Intensive  
25 Supervision, Tracking and Reentry Training Demonstra-

tion shall begin not later than 6 months following the availability of funds to carry out this section, and shall last 3 years. The Director of the Administrative Office of the United States Courts may extend the project for a period of up to six months to enable participating prisoners to complete their involvement in the project.

(d) **SELECTION OF DISTRICTS.**—The Judicial Conference of the United States, in consultation with the Attorney General, shall select an appropriate number of Federal judicial districts in which to carry out the Federal Intensive Supervision, Tracking and Reentry Training Demonstration project.

**SEC. 1615. FEDERAL ENHANCED IN-PRISON VOCATIONAL ASSESSMENT AND TRAINING DEMONSTRATION.**

(a) **AUTHORITY AND ESTABLISHMENT OF DEMONSTRATION PROJECT.**—From funds made available to carry out this section, the Attorney General shall establish the Federal Enhanced In-Prison Vocational Assessment and Training Demonstration project in selected institutions. The project shall provide in-prison assessments of prisoners' vocational needs and aptitudes, enhanced work skills development, enhanced release readiness programming, and other components as appropriate to prepare



1 Federal prisoners for release and reentry into the commu-  
2 nity.

3 (b) PROGRAM DURATION.—The Enhanced In-Prison  
4 Vocational Assessment and Training Demonstration shall  
5 begin not later than six months following the availability  
6 of funds to carry out this section, and shall last 3 years.  
7 The Attorney General may extend the project for a period  
8 of up to 6 months to enable participating prisoners to  
9 complete their involvement in the project.

10 **SEC. 1616. RESEARCH AND REPORTS TO CONGRESS.**

11 (a) ATTORNEY GENERAL.—Not later than 2 years  
12 after the enactment of this Act, the Attorney General shall  
13 report to Congress on the progress of the demonstration  
14 projects authorized by sections 1611 and 1615. Not later  
15 than 1 year after the end of the demonstration projects  
16 authorized by sections 1611 and 1615, the Director of the  
17 Federal Bureau of Prisons shall report to Congress on the  
18 effectiveness of the reentry projects authorized by sections  
19 1611 and 1615 on post-release outcomes and recidivism.  
20 The report shall address post-release outcomes and recidi-  
21 vism for a period of 3 years following release from custody.  
22 The reports submitted pursuant to this section shall be  
23 submitted to the Committees on the Judiciary in the  
24 House of Representatives and the Senate.

1       (b) ADMINISTRATIVE OFFICE OF THE UNITED  
2 STATES COURTS.—Not later than 2 years after the enact-  
3 ment of this Act, Director of the Administrative Office of  
4 the United States Courts shall report to Congress on the  
5 progress of the demonstration projects authorized by sec-  
6 tions 1612 and 1614. Not later than 180 days after the  
7 end of the demonstration projects authorized by sections  
8 1612 and 1614, the Director of the Administrative Office  
9 of the United States Courts shall report to Congress on  
10 the effectiveness of the reentry projects authorized by sec-  
11 tions 1612 and 1614 on post-release outcomes and recidi-  
12 vism. The report should address post-release outcomes and  
13 recidivism for a period of 3 years following release from  
14 custody. The reports submitted pursuant to this section  
15 shall be submitted to the Committees on the Judiciary in  
16 the House of Representatives and the Senate.

17       (c) DC ISTART.—Not later than 2 years after the  
18 enactment of this Act, the Executive Director of the cor-  
19 poration or institute authorized by section 11281(2) of the  
20 National Capital Revitalization and Self-Government Im-  
21 provement Act of 1997 (Pub. Law 105–33; 111 Stat. 712)  
22 shall report to Congress on the progress of the demonstra-  
23 tion project authorized by section 1613 of this Act. Not  
24 later than 1 year after the end of the demonstration  
25 project authorized by section 1613, the Executive Director

1 of the corporation or institute authorized by section  
2 11281(2) of the National Capital Revitalization and Self-  
3 Government Improvement Act of 1997 (Pub. Law 105–  
4 33; 111 Stat. 712) shall report to Congress on the effec-  
5 tiveness of the reentry project authorized by section 1613  
6 of this Act on post-release outcomes and recidivism. The  
7 report shall address post-release outcomes and recidivism  
8 for a period of three years following release from custody.  
9 The reports submitted pursuant to this section shall be  
10 submitted to the Committees on the Judiciary in the  
11 House of Representatives and the Senate. In the event  
12 that the corporation or institute authorized by section  
13 11281(2) of the National Capital Revitalization and Self-  
14 Government Improvement Act of 1997 (Pub. Law 105–  
15 33; 111 Stat. 712) is not in operation 1 year after the  
16 enactment of this Act, the Director of the National Insti-  
17 tute of Justice shall prepare and submit the reports re-  
18 quired by this section and may do so from funds made  
19 available to the Court Services and Offender Supervision  
20 Agency of the District of Columbia, as authorized by the  
21 National Capital Revitalization and Self-Government Im-  
22 provement Act of 1997 (Pub. Law 105–33; 111 Stat.  
23 712).

24 **SEC. 1617. DEFINITIONS.**

25 In this part—

1           (1) the term “appropriate prisoner” means a  
2           person who is considered by prison authorities—

3                   (A) to pose a medium to high risk of com-  
4                   mitting a criminal act upon reentering the com-  
5                   munity, and

6                   (B) to lack the skills and family support  
7                   network that facilitate successful reintegration  
8                   into the community; and

9           (2) the term “appropriate high risk parolees”  
10          means parolees considered by prison authorities—

11                   (A) to pose a medium to high risk of com-  
12                   mitting a criminal act upon reentering the com-  
13                   munity; and

14                   (B) to lack the skills and family support  
15                   network that facilitate successful reintegration  
16                   into the community.

17 **SEC. 1618. AUTHORIZATION OF APPROPRIATIONS.**

18          To carry out this part, there are authorized to be ap-  
19          propriated, to remain available until expended, the fol-  
20          lowing amounts:

21           (1) To the Federal Bureau of Prisons—

22                   (A) \$1,375,000 for fiscal year 2002;

23                   (B) \$1,110,000 for fiscal year 2003;

24                   (C) \$1,130,000 for fiscal year 2004;

25                   (D) \$1,155,000 for fiscal year 2005; and

1 (E) \$1,230,000 for fiscal year 2006.

2 (2) To the Federal Judiciary—

3 (A) \$3,380,000 for fiscal year 2002;

4 (B) \$3,540,000 for fiscal year 2003;

5 (C) \$3,720,000 for fiscal year 2004;

6 (D) \$3,910,000 for fiscal year 2005; and

7 (E) \$4,100,000 for fiscal year 2006.

8 (3) To the Court Services and Offender Super-  
 9 vision Agency of the District of Columbia, as author-  
 10 ized by the National Capital Revitalization and Self-  
 11 Government Improvement Act of 1997 (Pub. Law  
 12 105–33; 111 Stat. 712)—

13 (A) \$4,860,000 for fiscal year 2002;

14 (B) \$4,510,000 for fiscal year 2003;

15 (C) \$4,620,000 for fiscal year 2004;

16 (D) \$4,740,000 for fiscal year 2005; and

17 (E) \$4,860,000 for fiscal year 2006.

## 18 **PART 2—STATE REENTRY GRANT PROGRAMS**

### 19 **SEC. 1621. AMENDMENTS TO THE OMNIBUS CRIME CON-** 20 **TROL AND SAFE STREETS ACT OF 1968.**

21 (a) IN GENERAL.—Title I of the Omnibus Crime  
 22 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
 23 et seq.) as amended, is amended by inserting after part  
 24 CC the following new part:

1       “PART DD—OFFENDER REENTRY AND COM-  
2   MUNITY SAFETY

3   **“SEC. 2951. ADULT OFFENDER STATE AND LOCAL REENTRY**  
4               **PARTNERSHIPS.**

5       “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
6   eral shall make grants of up to \$1,000,000 to States, Ter-  
7   ritories, and Indian tribes, in partnership with units of  
8   local government and nonprofit organizations, for the pur-  
9   pose of establishing adult offender reentry demonstration  
10  projects. Funds may be expended by the projects for the  
11  following purposes:

12           “(1) oversight/monitoring of released offenders;

13           “(2) providing returning offenders with drug  
14   and alcohol testing and treatment and mental health  
15   assessment and services;

16           “(3) convening community impact panels, vic-  
17   tim impact panels or victim impact educational  
18   classes;

19           “(4) providing and coordinating the delivery of  
20   other community services to offenders such as hous-  
21   ing assistance, education, employment training, con-  
22   flict resolution skills training, batterer intervention  
23   programs, and other social services as appropriate;  
24   and

1           “(5) establishing and implementing graduated  
2           sanctions and incentives.

3           “(b) SUBMISSION OF APPLICATION.—In addition to  
4 any other requirements that may be specified by the Attor-  
5 ney General, an application for a grant under this subpart  
6 shall—

7           “(1) describe a long-term strategy and detailed  
8           implementation plan, including how the jurisdiction  
9           plans to pay for the program after the Federal fund-  
10          ing ends;

11          “(2) identify the governmental and community  
12          agencies that will be coordinated by this project;

13          “(3) certify that there has been appropriate  
14          consultation with all affected agencies and there will  
15          be appropriate coordination with all affected agen-  
16          cies in the implementation of the program, including  
17          existing community corrections and parole; and

18          “(4) describe the methodology and outcome  
19          measures that will be used in evaluating the pro-  
20          gram.

21          “(c) APPLICANTS.—The applicants as designated  
22 under subsection (a)—

23               “(1) shall prepare the application as required  
24               under subsection (b); and

1           “(2) shall administer grant funds in accordance  
2           with the guidelines, regulations, and procedures pro-  
3           mulgated by the Attorney General, as necessary to  
4           carry out the purposes of this part.

5           “(d) MATCHING FUNDS.—The Federal share of a  
6           grant received under this title may not exceed 25 percent  
7           of the costs of the project funded under this title unless  
8           the Attorney General waives, wholly or in part, the re-  
9           quirements of this section.

10          “(e) REPORTS.—Each entity that receives a grant  
11          under this part shall submit to the Attorney General, for  
12          each year in which funds from a grant received under this  
13          part is expended, a report at such time and in such man-  
14          ner as the Attorney General may reasonably require that  
15          contains:

16               “(1) a summary of the activities carried out  
17               under the grant and an assessment of whether such  
18               activities are meeting the needs identified in the ap-  
19               plication funded under this part; and

20               “(2) such other information as the Attorney  
21               General may require.

22          “(f) AUTHORIZATION OF APPROPRIATIONS.—

23               “(1) IN GENERAL.—There are authorized to be  
24               appropriated to carry out this section \$40,000,000  
25               in fiscal years 2002 and 2003; and such sums as



1       may be necessary for each of the fiscal years 2004,  
2       2005, and 2006.

3               “(2) LIMITATIONS.—Of the amount made avail-  
4       able to carry out this section in any fiscal year—

5                       “(A) not more than 2 percent or less than  
6               1 percent may be used by the Attorney General  
7               for salaries and administrative expenses; and

8                       “(B) not more than 3 percent or less than  
9               2 percent may be used for technical assistance  
10       and training.

11   **“SEC. 2952. STATE AND LOCAL REENTRY COURTS.**

12       “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
13       eral shall make grants of up to \$500,000 to State and  
14       local courts or state agencies, municipalities, public agen-  
15       cies, nonprofit organizations, and tribes that have agree-  
16       ments with courts to take the lead in establishing a re-  
17       entry court. Funds may be expended by the projects for  
18       the following purposes:

19               “(1) monitoring offenders returning to the com-  
20       munity;

21               “(2) providing returning offenders with drug  
22       and alcohol testing and treatment and mental and  
23       medical health assessment and services;

1           “(3) convening community impact panels, vic-  
2           tim impact panels, or victim impact educational  
3           classes;

4           “(4) providing and coordinating the delivery of  
5           other community services to offenders, such as hous-  
6           ing assistance, education, employment training, con-  
7           flict resolution skills training, batterer intervention  
8           programs, and other social services as appropriate;  
9           and

10          “(5) establishing and implementing graduated  
11          sanctions and incentives.

12          “(b) SUBMISSION OF APPLICATION.—In addition to  
13          any other requirements that may be specified by the Attor-  
14          ney General, an application for a grant under this subpart  
15          shall—

16               “(1) describe a long-term strategy and detailed  
17               implementation plan, including how the jurisdiction  
18               plans to pay for the program after the Federal fund-  
19               ing ends;

20               “(2) identify the governmental and community  
21               agencies that will be coordinated by this project;

22               “(3) certify that there has been appropriate  
23               consultation with all affected agencies, including ex-  
24               isting community corrections and parole, and there

1 will be appropriate coordination with all affected  
2 agencies in the implementation of the program;

3 “(4) describe the methodology and outcome  
4 measures that will be used in evaluation of the pro-  
5 gram.

6 “(c) APPLICANTS.—The applicants as designated  
7 under subsection (a)—

8 “(1) shall prepare the application as required  
9 under subsection (b); and

10 “(2) shall administer grant funds in accordance  
11 with the guidelines, regulations, and procedures pro-  
12 mulgated by the Attorney General, as necessary to  
13 carry out the purposes of this part.

14 “(d) MATCHING FUNDS.—The Federal share of a  
15 grant received under this title may not exceed 25 percent  
16 of the costs of the project funded under this title unless  
17 the Attorney General waives, wholly or in part, the re-  
18 quirements of this section.

19 “(e) REPORTS.—Each entity that receives a grant  
20 under this part shall submit to the Attorney General, for  
21 each year in which funds from a grant received under this  
22 part is expended, a report at such time and in such man-  
23 ner as the Attorney General may reasonably require that  
24 contains:

1 “(1) a summary of the activities carried out  
 2 under the grant and an assessment of whether such  
 3 activities are meeting the needs identified in the ap-  
 4 plication funded under this part; and

5 “(2) such other information as the Attorney  
 6 General may require.

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There are authorized to be  
 9 appropriated to carry out this section \$10,000,000  
 10 in fiscal years 2002 and 2003, and such sums as  
 11 may be necessary for each of the fiscal years 2004,  
 12 2005, and 2006.

13 “(2) LIMITATIONS.—Of the amount made avail-  
 14 able to carry out this section in any fiscal year—

15 “(A) not more than 2 percent or less than  
 16 1 percent may be used by the Attorney General  
 17 for salaries and administrative expenses; and

18 “(B) not more than 3 percent or less than  
 19 2 percent may be used for technical assistance  
 20 and training.

21 **“SEC. 2953. JUVENILE OFFENDER STATE AND LOCAL RE-**  
 22 **ENTRY PROGRAMS.**

23 “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
 24 eral shall make grants of up to \$250,000 to States, in  
 25 partnership with local units of governments or nonprofit

1 organizations, for the purpose of establishing juvenile of-  
2 fender reentry programs. Funds may be expended by the  
3 projects for—

4 “(1) providing returning juvenile offenders with  
5 drug and alcohol testing and treatment and mental  
6 and medical health assessment and services;

7 “(2) convening victim impact panels, restorative  
8 justice panels, or victim impact educational classes  
9 for juvenile offenders;

10 “(3) oversight/monitoring of released juvenile  
11 offenders; and

12 “(4) providing for the planning of reentry serv-  
13 ices when the youth is initially incarcerated and co-  
14 ordinating the delivery of community-based services,  
15 such as education, conflict resolution skills training,  
16 batterer intervention programs, employment training  
17 and placement, efforts to identify suitable living ar-  
18 rangements, family involvement and support, and  
19 other services.

20 “(b) SUBMISSION OF APPLICATION.—In addition to  
21 any other requirements that may be specified by the Attor-  
22 ney General, an application for a grant under this subpart  
23 shall—

24 “(1) describe a long-term strategy and detailed  
25 implementation plan, including how the jurisdiction

1 plans to pay for the program after the Federal fund-  
2 ing ends;

3 “(2) identify the governmental and community  
4 agencies that will be coordinated by this project;

5 “(3) certify that there has been appropriate  
6 consultation with all affected agencies and there will  
7 be appropriate coordination with all affected agen-  
8 cies, including existing community corrections and  
9 parole, in the implementation of the program;

10 “(4) describe the methodology and outcome  
11 measures that will be used in evaluating the pro-  
12 gram.

13 “(c) APPLICANTS.—The applicants as designated  
14 under subsection (a)—

15 “(1) shall prepare the application as required  
16 under subsection (b); and

17 “(2) shall administer grant funds in accordance  
18 with the guidelines, regulations, and procedures pro-  
19 mulgated by the Attorney General, as necessary to  
20 carry out the purposes of this part.

21 “(d) MATCHING FUNDS.—The Federal share of a  
22 grant received under this title may not exceed 25 percent  
23 of the costs of the project funded under this title unless  
24 the Attorney General waives, wholly or in part, the re-  
25 quirements of this section.

1       “(e) REPORTS.—Each entity that receives a grant  
 2 under this part shall submit to the Attorney General, for  
 3 each year in which funds from a grant received under this  
 4 part is expended, a report at such time and in such man-  
 5 ner as the Attorney General may reasonably require that  
 6 contains:

7           “(1) a summary of the activities carried out  
 8 under the grant and an assessment of whether such  
 9 activities are meeting the needs identified in the ap-  
 10 plication funded under this part; and

11           “(2) such other information as the Attorney  
 12 General may require.

13       “(f) AUTHORIZATION OF APPROPRIATIONS.—

14           “(1) IN GENERAL.—There are authorized to be  
 15 appropriated to carry out this section \$5,000,000 in  
 16 fiscal years 2002 and 2003, and such sums as are  
 17 necessary for each of the fiscal years 2004, 2005,  
 18 and 2006.

19           “(2) LIMITATIONS.—Of the amount made avail-  
 20 able to carry out this section in any fiscal year—

21           “(A) not more than 2 percent or less than  
 22 1 percent may be used by the Attorney General  
 23 for salaries and administrative expenses; and

1                   “(B) not more than 3 percent or less than  
 2                   2 percent may be used for technical assistance  
 3                   and training.

4   **“SEC. 2954. STATE REENTRY PROGRAM RESEARCH, DEVEL-**  
 5                   **OPMENT, AND EVALUATION.**

6           “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
 7   eral shall make grants to conduct research on a range of  
 8   issues pertinent to reentry programs, the development and  
 9   testing of new reentry components and approaches, se-  
 10 lected evaluation of projects authorized in the preceding  
 11 sections, and dissemination of information to the field.

12          “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated to carry out this section  
 14 \$5,000,000 in fiscal years 2002 and 2003, and such sums  
 15 as are necessary to carry out this section in fiscal years  
 16 2004, 2005, and 2006.”.

17          (b) TECHNICAL AMENDMENT.—The table of contents  
 18 of title I of the Omnibus Crime Control and Safe Street  
 19 Act of 1968 (42 U.S.C. 3711 et seq.), as amended, is  
 20 amended by inserting after the matter relating to part CC  
 21 the following:

“PART DD—OFFENDER REENTRY AND COMMUNITY SAFETY ACT

“Sec. 2951. Adult Offender State and Local Reentry Partnerships.

“Sec. 2952. State and Local Reentry Courts.

“Sec. 2953. Juvenile Offender State and Local Reentry Programs.

“Sec. 2954. State Reentry Program Research and Evaluation.”.



1 **TITLE II—STRENGTHENING THE**  
 2 **FEDERAL CRIMINAL LAWS**  
 3 **Subtitle A—Combating Gang**  
 4 **Violence**

5 **PART 1—ENHANCED PENALTIES FOR GANG-**  
 6 **RELATED ACTIVITIES**

7 **SEC. 2101. GANG FRANCHISING.**

8 Chapter 26 of title 18, United States Code, is amend-  
 9 ed by adding at the end the following:

10 **“SEC. 522. INTERSTATE FRANCHISING OF CRIMINAL**  
 11 **STREET GANGS.**

12 “(a) PROHIBITED ACT.—Whoever travels in inter-  
 13 state or foreign commerce, or causes another to do so, to  
 14 recruit, solicit, induce, command, or cause to create, or  
 15 attempt to create a franchise of a criminal street gang  
 16 shall be punished in accordance with subsection (c).

17 “(b) DEFINITIONS.—In this section:

18 “(1) CRIMINAL STREET GANG.—The term  
 19 ‘criminal street gang’ has the meaning given that  
 20 term in section 521.

21 “(2) FRANCHISE.—The term ‘franchise’ means  
 22 an organized group of individuals related by name,  
 23 moniker, or other identifier, that engages in coordi-  
 24 nated violent crime or drug trafficking activities in

1 interstate or foreign commerce with a criminal street  
2 gang in another State.

3 “(c) PENALTIES.—A person who violates subsection  
4 (a) shall be imprisoned for not more than 10 years, fined  
5 under this title, or both.”.

6 **SEC. 2102. ENHANCED PENALTY FOR USE OR RECRUIT-**  
7 **MENT OF MINORS IN GANGS.**

8 (a) IN GENERAL.—Chapter 26 of title 18, United  
9 States Code, as amended by section 2101 of this title, is  
10 amended by adding at the end the following:

11 **“§ 523. Sentencing enhancement for use or recruit-**  
12 **ment of minors**

13 “Pursuant to its authority under section 994(p) of  
14 title 28, the United States Sentencing Commission shall  
15 amend the Federal sentencing guidelines to provide an ap-  
16 propriate enhancement for the use of minors in a criminal  
17 street gang and the recruitment of minors in furtherance  
18 of the creation of a criminal street gang franchise.”.

19 (b) CONFORMING AMENDMENT.—The chapter anal-  
20 ysis for chapter 26 of title 18, United States Code, is  
21 amended by adding at the end the following:

“522. Interstate franchising of criminal street gangs.

“523. Sentencing enhancement for use or recruitment of minors.”.

22 **SEC. 2103. GANG FRANCHISING AS A RICO PREDICATE.**

23 Section 1961(1) of title 18, United States Code, is  
24 amended—

1 (1) by striking “or” before “(F)”; and

2 (2) by inserting “, or (G) an offense under sec-  
3 tion 522 of this title” before the semicolon at the  
4 end.

5 **SEC. 2104. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**  
6 **TION IN CRIME AS GANG MEMBER.**

7 (a) **DEFINITION OF CRIMINAL STREET GANG.**—In  
8 this section, the term “criminal street gang” has the same  
9 meaning as in section 521(a) of title 18, United States  
10 Code.

11 (b) **SENTENCING ENHANCEMENT.**—Pursuant to its  
12 authority under section 994(p) of title 28, United States  
13 Code, the United States Sentencing Commission shall  
14 amend the Federal sentencing guidelines to provide an ap-  
15 propriate enhancement with respect to any offense com-  
16 mitted in connection with, or in furtherance of, the activi-  
17 ties of a criminal street gang if the defendant is a member  
18 of the criminal street gang at the time of the offense.

19 (c) **CONSISTENCY.**—In carrying out this section, the  
20 United States Sentencing Commission shall—

21 (1) ensure that there is reasonable consistency  
22 with other Federal sentencing guidelines; and

23 (2) avoid duplicative punishment for substan-  
24 tially the same offense.

1 **SEC. 2105. ENHANCED PENALTY FOR DISCHARGE OF FIRE-**  
 2 **ARMS IN RELATION TO COUNTS OF VIO-**  
 3 **LENCE OR DRUG TRAFFICKING CRIMES.**

4 (a) DEFINITIONS.—In this section, the terms “crime  
 5 of violence” and “drug trafficking crime” have the same  
 6 meanings as in section 924(c) of title 18, United States  
 7 Code.

8 (b) SENTENCING ENHANCEMENT.—Pursuant to its  
 9 authority under section 994(p) of title 28, United States  
 10 Code, the United States Sentencing Commission shall  
 11 amend the Federal sentencing guidelines to provide an ap-  
 12 propriate sentence enhancement with respect to any de-  
 13 fendant who discharges a firearm during or in relation to  
 14 any crime of violence or any drug trafficking crime.

15 (c) CONSISTENCY.—In carrying out this section, the  
 16 United States Sentencing Commission shall—

17 (1) ensure that there is reasonable consistency  
 18 with other Federal sentencing guidelines; and

19 (2) avoid duplicative punishment for substan-  
 20 tially the same offense.

21 **SEC. 2106. PUNISHMENT OF ARSON OR BOMBING AT FA-**  
 22 **CILITIES RECEIVING FEDERAL FINANCIAL**  
 23 **ASSISTANCE.**

24 Section 844(f)(1) of title 18, United States Code, is  
 25 amended by inserting “or any institution or organization

1 receiving Federal financial assistance” after “or agency  
2 thereof,”.

3 **SEC. 2107. ELIMINATION OF STATUTE OF LIMITATIONS FOR**  
4 **MURDER.**

5 (a) IN GENERAL.—Section 3281 of title 18, United  
6 States Code, is amended to read as follows:

7 **“§ 3281. Capital offenses and Class A felonies involv-**  
8 **ing murder**

9 “An indictment for any offense punishable by death  
10 or an indictment or information for a Class A felony in-  
11 volving murder (as defined in section 1111 or as defined  
12 under applicable State law in the case of an offense under  
13 section 1963(a) involving racketeering activity described  
14 in section 1961(1)) may be found at any time without limi-  
15 tation.”.

16 (b) APPLICABILITY.—The amendment made by sub-  
17 section (a) applies to any offense for which the applicable  
18 statute of limitations had not run as of the date of enact-  
19 ment of this Act.

20 **SEC. 2108. EXTENSION OF STATUTE OF LIMITATIONS FOR**  
21 **VIOLENT AND DRUG TRAFFICKING CRIMES.**

22 (a) IN GENERAL.—Chapter 213 of title 18, United  
23 States Code, is amended by adding at the end the fol-  
24 lowing:

1 **“§ 3296. Class A violent and drug trafficking offenses**

2 “Except as provided in section 3281, no person shall  
3 be prosecuted, tried, or punished for a Class A felony that  
4 is a crime of violence or a drug trafficking crime (as that  
5 term is defined in section 924(c)) unless the indictment  
6 is returned or the information is filed within 10 years after  
7 the commission of the offense.”.

8 (b) APPLICABILITY.—The amendment made by sub-  
9 section (a) applies to any offense for which the applicable  
10 statute of limitations had not run as of the date of enact-  
11 ment of this Act.

12 (c) CONFORMING AMENDMENTS.—The chapter anal-  
13 ysis for chapter 213 of title 18, United States Code, is  
14 amended—

15 (1) in the item relating to section 3281, by in-  
16 serting “and Class A felonies involving murder” be-  
17 fore the period; and

18 (2) by adding at the end the following:

“3296. Class A violent and drug trafficking offenses.”.

19 **SEC. 2109. INCREASED PENALTIES UNDER THE RICO LAW**  
20 **FOR GANG AND VIOLENT CRIMES.**

21 Section 1963(a) of title 18, United States Code, is  
22 amended by striking “or imprisoned not more than 20  
23 years (or for life if the violation is based on a racketeering  
24 activity for which the maximum penalty includes life im-  
25 prisonment), or both,” and inserting “or imprisoned not

1 more than the greater of 20 years or the statutory max-  
 2 imum term of imprisonment (other than the penalty of  
 3 death) applicable to a racketeering activity on which the  
 4 violation is based, or both,”.

5 **SEC. 2110. INCREASED PENALTY AND BROADENED SCOPE**  
 6 **OF STATUTE AGAINST VIOLENT CRIMES IN**  
 7 **AID OF RACKETEERING.**

8 Section 1959(a) of title 18, United States Code, is  
 9 amended—

10 (1) by inserting “or commits any other crime of  
 11 violence” before “or threatens to commit a crime of  
 12 violence”;

13 (2) in paragraph (4), by inserting “committing  
 14 any other crime of violence or for” before “threat-  
 15 ening to commit a crime of violence”, and by strik-  
 16 ing “five” and inserting “ten”;

17 (3) in paragraph (5), by striking “for not more  
 18 than ten years” and inserting “for any term of years  
 19 or for life”;

20 (4) in paragraph (6), by—

21 (A) striking “or” before “assault resulting  
 22 in serious bodily injury”;

23 (B) inserting “or any other crime of vio-  
 24 lence” after “assault resulting in serious bodily  
 25 injury”; and

1 (C) striking “three” and inserting “10”;  
 2 and

3 (5) by inserting “(as defined in section 1365 of  
 4 this title)” after “serious bodily injury” the first  
 5 place that term appears.

6 **SEC. 2111. FACILITATING THE PROSECUTION OF**  
 7 **CARJACKING OFFENSES.**

8 Section 2119 of title 18, United States Code, is  
 9 amended by striking “, with the intent to cause death or  
 10 serious bodily harm”.

11 **SEC. 2112. FACILITATION OF RICO PROSECUTIONS.**

12 Section 1962(d) of title 18, United States Code, is  
 13 amended by adding at the end the following: “For pur-  
 14 poses of this subsection, it is not necessary to establish  
 15 that the defendant personally committed an act of racket-  
 16 eering activity.”.

17 **SEC. 2113. ASSAULT AS A RICO PREDICATE.**

18 Section 1961(1)(A) of title 18, United States Code,  
 19 is amended by adding after “extortion,” “assault”.

20 **SEC. 2114. EXPANSION OF DEFINITION OF “RACKETEERING**  
 21 **ACTIVITY” TO AFFECT GANGS IN INDIAN**  
 22 **COUNTRY.**

23 Section 1961(1)(A) of title 18, United States Code,  
 24 is amended by inserting “or, with respect to an act or  
 25 threat occurring solely in Indian country, as defined in



1 section 1151 of this title, Federal” after “chargeable  
2 under State”.

3 **SEC. 2115. INCREASED PENALTIES FOR VIOLENCE IN THE**  
4 **COURSE OF RIOT OFFENSES.**

5 Section 2101(a) of title 18, United States Code, is  
6 amended by striking “paragraph—” and all that follows  
7 through the end of the subsection and inserting “shall be  
8 fined under this title—

9 “(i) if death results from such act, be impris-  
10 oned for any term of years or for life, or both;

11 “(ii) if serious bodily injury (as defined in sec-  
12 tion 1365 of this title) results from such act, be im-  
13 prisoned for not more than 20 years, or both; or

14 “(iii) in any other case, be imprisoned for not  
15 more than 5 years, or both”.

16 **SEC. 2116. EXPANSION OF FEDERAL JURISDICTION OVER**  
17 **CRIMES OCCURRING IN PRIVATE PENAL FA-**  
18 **CILITIES HOUSING FEDERAL PRISONERS OR**  
19 **PRISONERS FROM OTHER STATES.**

20 Section 1791(d)(4) of title 18, United States Code,  
21 is amended by inserting before the period at the end the  
22 following: “, including privately owned facilities housing  
23 Federal prisoners or prisoners who are serving a term of  
24 imprisonment under a commitment order from a State  
25 other than the State in which the penal facility is located”.

1       **PART 2—TARGETING GANG-RELATED GUN**

2                               **OFFENSES**

3   **SEC. 2121. TRANSFER OF FIREARM TO COMMIT A CRIME OF**  
4                               **VIOLENCE.**

5       Section 924(h) of title 18, United States Code, is  
6 amended by inserting “or having reasonable cause to be-  
7 lieve” after “knowing”.

8   **SEC. 2122. INCREASED PENALTY FOR KNOWINGLY RECEIV-**  
9                               **ING FIREARM WITH OBLITERATED SERIAL**  
10                              **NUMBER.**

11       Section 924(a) of title 18, United States Code, is  
12 amended—

- 13                   (1) in paragraph (1)(B), by striking “(k),”; and  
14                   (2) in paragraph (2), by inserting “(k),” after  
15       “(j),”.

16   **SEC. 2123. AMENDMENT OF THE SENTENCING GUIDELINES**  
17                              **FOR TRANSFERS OF FIREARMS TO PROHIB-**  
18                              **ITED PERSONS.**

19       Pursuant to its authority under section 994(p) of title  
20 28, United States Code, the United States Sentencing  
21 Commission shall amend the Federal sentencing guidelines  
22 to increase the base offense level for offenses subject to  
23 section 2K2.1 of those guidelines (Unlawful Receipt, Pos-  
24 session, or Firearms or Ammunitions) to assume that a  
25 person who transferred a firearm or ammunition and who  
26 knew or had reasonable cause to believe that the trans-

1 feree was a prohibited person is subject to the same base  
 2 offense level as the transferee. The amended guidelines  
 3 shall not require the same offense level for the transferor  
 4 and transferee to the extent that the transferee's base of-  
 5 fense level is subject to an additional increase on the basis  
 6 of a past criminal conviction of either a crime of violence  
 7 or a controlled substance offense.

8 **PART 3—USING AND PROTECTING WITNESSES TO**  
 9 **HELP PROSECUTE GANGS AND OTHER VIO-**  
 10 **LENT CRIMINALS**

11 **SEC. 2131. INTERSTATE TRAVEL TO ENGAGE IN WITNESS**  
 12 **INTIMIDATION OR OBSTRUCTION OF JUS-**  
 13 **TICE.**

14 Section 1952 of title 18, United States Code, is  
 15 amended—

16 (1) by redesignating subsections (b) and (c) as  
 17 (c) and (d), respectively; and

18 (2) by inserting after subsection (a) the fol-  
 19 lowing:

20 “(b) Whoever travels in interstate or foreign com-  
 21 merce with intent by bribery, force, intimidation, or  
 22 threat, directed against any person, to delay or influence  
 23 the testimony of or prevent from testifying a witness in  
 24 a State criminal proceeding or by any such means to cause  
 25 any person to destroy, alter, or conceal a record, docu-

1 ment, or other object, with intent to impair the object's  
 2 integrity or availability for use in such a proceeding, and  
 3 thereafter engages or endeavors to engage in such con-  
 4 duct, shall—

5           “(1) be fined under this title or imprisoned not  
 6           more than 10 years, or both;

7           “(2) if serious bodily injury (as defined in sec-  
 8           tion 1365) results, be so fined or imprisoned for not  
 9           more than 20 years, or both; and

10           “(3) if death results, be so fined and impris-  
 11           oned for any term of years or for life, or both, and  
 12           may be sentenced to death.”.

13 **SEC. 2132. EXPANDING PRETRIAL DETENTION ELIGIBILITY**  
 14 **FOR SERIOUS GANG AND OTHER VIOLENT**  
 15 **CRIMINALS.**

16           (a) IN GENERAL.—Section 3142(f)(1) of title 18,  
 17 United States Code, is amended by adding at the end the  
 18 following:

19           “‘For purposes of subparagraph (D), the term ‘con-  
 20           victed’ includes a finding, under Federal or State  
 21           law, that a person has committed an act of juvenile  
 22           delinquency;”.

23           (b) OFFENSES.—Section 3156(a)(4) of title 18,  
 24 United States Code, is amended—

1 (1) by striking “or” at the end of subparagraph  
 2 (B);

3 (2) by striking the period at the end of sub-  
 4 paragraph (C) and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(D) an offense that is a violation of sec-  
 7 tion 842(i)(1) or 922(g)(1) of this title (relating  
 8 to possession of explosives or firearms by con-  
 9 victed felons).”.

10 (c) FACTORS.—Section 3142(g)(3)(B) of title 18,  
 11 United States Code, is amended—

12 (1) by striking “the person was on probation”  
 13 and inserting “the person was—

14 “(i) on probation”;

15 (2) by striking “local law; and” and inserting  
 16 “local law; or”; and

17 (3) by adding at the end the following:

18 “(ii) was a member of or participated  
 19 in a criminal street gang or racketeering  
 20 enterprise; and”.

21 **SEC. 2133. CONSPIRACY PENALTY FOR OBSTRUCTION OF**  
 22 **JUSTICE OFFENSES INVOLVING VICTIMS,**  
 23 **WITNESSES, AND INFORMANTS.**

24 Section 1512 of title 18, United States Code, is  
 25 amended by adding at the end the following:

1       “(j) Whoever conspires to commit any offense defined  
 2 in this section or section 1513 of this title shall be subject  
 3 to the same penalties as those prescribed for the offense  
 4 the commission of which was the object of the con-  
 5 spiracy.”.

6 **SEC. 2134. ALLOWING A REDUCTION OF SENTENCE FOR**  
 7 **PROVIDING USEFUL INVESTIGATIVE INFOR-**  
 8 **MATION ALTHOUGH NOT REGARDING A PAR-**  
 9 **TICULAR INDIVIDUAL.**

10       (a) TITLE 18.—Section 3553(e) of title 18, United  
 11 States Code, is amended by striking “substantial assist-  
 12 ance in the investigation or prosecution of another person  
 13 who has committed an offense” and inserting “substantial  
 14 assistance in an investigation of any offense or the pros-  
 15 ecution of another person who has committed an offense”.

16       (b) TITLE 28.—Section 994(n) of title 28, United  
 17 States Code, is amended by striking “substantial assist-  
 18 ance in the investigation or prosecution of another person  
 19 who has committed an offense” and inserting “substantial  
 20 assistance in an investigation of any offense or the pros-  
 21 ecution of another person who has committed an offense”.

22       (c) FEDERAL RULES OF CRIMINAL PROCEDURE.—  
 23 Rule 35(b) of the Federal Rules of Criminal Procedure  
 24 is amended by striking “substantial assistance in the in-  
 25 vestigation or prosecution of another person who has com-

mitted an offense” and inserting “substantial assistance in an investigation of any offense or the prosecution of another person who has committed an offense”.

**SEC. 2135. INCREASING THE PENALTY FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.**

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “as provided in paragraph (2)” and inserting “as provided in paragraph (3)”;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

“(2) Whoever uses physical force or the threat of physical force, or attempts to do so, with intent to—

“(A) influence, delay, or prevent the testimony of any person in an official proceeding;

“(B) cause or induce any person to—

“(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

1 “(ii) alter, destroy, mutilate, or con-  
2 ceal an object with intent to impair the ob-  
3 ject’s integrity or availability for use in an  
4 official proceeding;

5 “(iii) evade legal process summoning  
6 that person to appear as a witness, or to  
7 produce a record, document, or other ob-  
8 ject, in an official proceeding; and

9 “(iv) be absent from an official pro-  
10 ceeding to which such person has been  
11 summoned by legal process; or

12 “(C) hinder, delay, or prevent the commu-  
13 nication to a law enforcement officer or judge  
14 of the United States of information relating to  
15 the commission or possible commission of a  
16 Federal offense or a violation of conditions of  
17 probation, parole, or release pending judicial  
18 proceedings;

19 shall be punished as provided in paragraph (3).”;  
20 and

21 (D) by striking paragraph (3)(B), as re-  
22 designated, and inserting the following:

23 “(B) an attempt to murder, the use of  
24 physical force, the threat of physical force, or



1 an attempt to do so, imprisonment for not more  
 2 than 20 years.”; and

3 (2) in subsection (b), by striking “or physical  
 4 force”.

5 **SEC. 2136. EXPANSION OF FEDERAL KIDNAPPING OFFENSE**  
 6 **TO COVER WHEN DEATH OF VICTIM OCCURS**  
 7 **BEFORE CROSSING STATE LINE AND WHEN**  
 8 **FACILITY IN INTERSTATE COMMERCE OR**  
 9 **THE MAILS ARE USED.**

10 Section 1201(a) of title 18, United States Code, is  
 11 amended—

12 (1) by inserting before the semicolon at the end  
 13 of paragraph (1) the following: “, without regard to  
 14 whether such person was alive when transported  
 15 across a State boundary if the person was alive  
 16 when the transportation began”;

17 (2) by striking “or” at the end of paragraph  
 18 (4); and

19 (3) by inserting after paragraph (5) the fol-  
 20 lowing:

21 “(6) an individual travels in interstate or for-  
 22 eign commerce in furtherance of the offense; or

23 “(7) the mail or a facility in interstate or for-  
 24 eign commerce is used in furtherance of the of-  
 25 fense;”.

1 **SEC. 2137. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR**  
 2 **HIRE.**

3 Section 1958(a) of title 18, United States Code, is  
 4 amended by inserting “or other felony crime of violence  
 5 against the person” after “murder”.

6 **SEC. 2138. CLARIFICATION OF INTERSTATE THREAT STAT-**  
 7 **UTE TO COVER THREATS TO KILL.**

8 Subsections (b) and (c) of section 875 of title 18,  
 9 United States Code, and the second and third undesig-  
 10 nated paragraphs of sections 876 and 877 of title 18,  
 11 United States Code, are each amended by striking “any  
 12 threat to injure” and inserting “any threat to kill or in-  
 13 jure”.

14 **SEC. 2139. CONFORMING AMENDMENT TO LAW PUNISHING**  
 15 **OBSTRUCTION OF JUSTICE BY NOTIFICATION**  
 16 **OF EXISTENCE OF A SUBPOENA FOR**  
 17 **RECORDS IN CERTAIN TYPES OF INVESTIGA-**  
 18 **TIONS.**

19 Section 1510(b)(3)(B) of title 18, United States  
 20 Code, is amended—

21 (1) in clause (i), by striking “or” at the end;

22 (2) in clause (ii), by striking the period at the  
 23 end and inserting “; or”; and

24 (3) by adding at the end the following:

25 “(iii) the Controlled Substances Act  
 26 (21 U.S.C. 801 et seq.), the Controlled

Substances Import and Export Act (21 U.S.C. 951 et seq.), or section 6050I of the Internal Revenue Code of 1986; and

“(iv) section 286, 287, 669, 1001, 1027, 1035, 1341, 1343, 1347, 1518, or 1954 relating to a Federal health care offense.”.

#### **PART 4—GANG PARAPHERNALIA**

##### **SEC. 2141. STREAMLINING PROCEDURES FOR LAW ENFORCEMENT ACCESS TO CLONE NUMERIC PAGERS.**

(a) AMENDMENT TO CHAPTER 206.—Chapter 206 of title 18, United States Code, is amended—

(1) in the chapter heading, by striking “AND TRAP AND TRACE DEVICES” and inserting: “TRAP AND TRACE DEVICES, AND CLONE NUMERIC PAGERS”;

(2) in section 3121—

(A) in the section heading, by striking “and trap and trace device” and inserting “, trap and trace device, and clone pager”;

(B) in subsection (a)—

(i) by striking “or a trap and trace device” each place that term appears and

1 inserting “, a trap and trace device, or a  
2 clone pager”;

3 (ii) after “3123” by inserting “or sec-  
4 tion 3129”; and

5 (C) in subsections (b) and (c), by striking  
6 “or trap and trace device” each place that term  
7 appears and inserting “, a trap and trade de-  
8 vice or a cone pager”;

9 (3) in section 3124—

10 (A) in the section heading, by striking “or  
11 a trap and trace device” and inserting “, a trap  
12 and trace device, or a clone pager”;

13 (B) by redesignating subsections (c)  
14 through (f) as subsections (d) through (g), re-  
15 spectively; and

16 (C) by inserting after subsection (b) the  
17 following:

18 “(c) CLONE PAGER.—Upon the request of an attor-  
19 ney for the Government or an officer of a law enforcement  
20 agency authorized to use a clone pager under this chapter,  
21 a provider of a paging service or electronic communication  
22 service shall furnish such investigative or law enforcement  
23 officer, all information, facilities, and technical assistance  
24 necessary to accomplish the use of the clone pager unob-  
25 trusively and with a minimum of interference with the

1 services that the person so ordered by the court provides  
 2 to the subscriber, if such assistance is directed by a court  
 3 order as provided in section 3129(b)(2) of this chapter.”;

4 (4) in section 3125—

5 (A) in the section heading, by striking  
 6 “and trap and trace device” and inserting “,  
 7 trap and trace device, and clone pager”;

8 (B) in subsection (a)—

9 (i) by striking “or trap and trace de-  
 10 vice” each place that term appears and in-  
 11 serting “, a trap and trace device, or a  
 12 clone pager”; and

13 (ii) by striking “an order approving  
 14 the installation or use is issued in accord-  
 15 ance with section 3123 of this title” and  
 16 inserting “an application is made for an  
 17 order approving the installation or use in  
 18 accordance with section 3123 or section  
 19 3128 of this title”; and

20 (C) in subsection (b), by adding at the end  
 21 the following: “In the event such application for  
 22 the use of a clone pager is denied, or in any  
 23 other case where the use of the clone pager is  
 24 terminated without an order having been

1 issued, an inventory shall be served as provided  
2 for in section 3129(e).”;

3 (5) in section 3126—

4 (A) in the section heading, by striking  
5 “and trap and trace devices” and inserting “,  
6 trap and trace devices, and clone pagers”; and

7 (B) by striking “pen register orders and  
8 orders for trap and trace devices” and inserting  
9 “orders for pen registers, trap and trace de-  
10 vices, and clone pagers”; and

11 (6) in section 3127—

12 (A) in paragraph (2), by striking “pen reg-  
13 ister or a trap and trace device” and inserting  
14 “pen register, a trap and trace device, or a  
15 clone pager”;

16 (B) by redesignating paragraphs (5) and  
17 (6) as paragraphs (6) and (7), respectively; and

18 (C) by inserting after paragraph (4) the  
19 following:

20 “(5) the term ‘clone pager’ means a numeric  
21 display device that receives transmissions intended  
22 for another numeric display paging device.”.

23 (b) APPLICATIONS FOR ORDERS.—Chapter 206 of  
24 title 18, United States Code, is amended by adding at the  
25 end the following:

1   **“§ 3128. Application for an order for use of a clone**  
2                   **pager**

3           “(a) APPLICATION.—(1) An attorney for the Govern-  
4   ment may apply to a court of competent jurisdiction for  
5   an order or an extension of an order under section 3129  
6   of this title authorizing the use of a clone pager.

7           “(2) A State investigative or law enforcement officer  
8   may, if authorized by State law, apply to a court of com-  
9   petent jurisdiction of such State for an order or an exten-  
10   sion of an order under section 3129 of this title author-  
11   izing the use of a clone pager.

12          “(b) CONTENTS OF APPLICATION.—An application  
13   under subsection (a) of this section shall include—

14               “(1) the identify of the attorney for the Govern-  
15   ment or the State law enforcement or investigative  
16   officer making the application and the identify of the  
17   law enforcement agency conducting the investiga-  
18   tion;

19               “(2) the identify, if known, of the person using  
20   the numeric display paging device to be cloned;

21               “(3) a description of the numeric display paging  
22   device to be cloned;

23               “(4) the identify, if known, of the person who  
24   is the subject of the criminal investigation; and

25               “(5) an affidavit, sworn to before the court of  
26   competent jurisdiction, establishing probable cause

1       for belief that information relevant to an ongoing  
2       criminal investigation being conducted by that agen-  
3       cy will be obtained through use of the clone pager.

4   **“§ 3129. Issuance of an order for use of a clone pager**

5       “(a) IN GENERAL.—Upon an application made under  
6       section 3128 of this title, the court shall enter an ex parte  
7       order authorizing the use of a clone pager within the juris-  
8       diction of the court if the court finds that the application  
9       has established probable cause to believe that information  
10      relevant to an ongoing criminal investigation being con-  
11      ducted by that agency will be obtained through use of the  
12      clone pager.

13      “(b) CONTENTS OF AN ORDER.—An order issued  
14      under this section—

15              “(1) shall specify—

16                      “(A) the identity, if known, of each indi-  
17                      vidual using the numeric display paging device  
18                      to be cloned;

19                      “(B) the numeric display paging device to  
20                      be cloned;

21                      “(C) the identity, if known, of the person  
22                      who is the subject of the criminal investigation;  
23                      and



1           “(D) the offense to which the information  
2           likely to be obtained by the clone pager relates;  
3           and

4           “(2) shall direct, upon the request of the appli-  
5           cant, the furnishing of information, facilities, and  
6           technical assistance necessary to use the clone pager  
7           under section 3124 of this title.

8           “(c) TIME PERIOD AND EXTENSIONS.—(1) An order  
9           issued under this section shall authorize the use of a clone  
10          pager for a period not to exceed 30 days.

11          “(2) Extensions of an order referred to in paragraph  
12          (1) may be granted, but only upon an application for an  
13          order under section 3128 of this title and upon the judicial  
14          finding required by subsection (a). The period of extension  
15          shall be for a period not to exceed 30 days.

16          “(3) Within a reasonable time after the termination  
17          of the period of a clone pager order or any extensions  
18          thereof, the applicant shall report to the issuing judge the  
19          number of numeric pager messages acquired through the  
20          use of the clone pager during such period.

21          “(d) NONDISCLOSURE OF EXISTENCE OF CLONE  
22          PAGER.—An order authorizing the use of a clone pager  
23          shall direct that—

24                 “(1) the order be sealed until otherwise ordered  
25                 by the court; and

1           “(2) the person who has been ordered by the  
2           court to provide assistance to the applicant not dis-  
3           close the existence of the clone pager or the exist-  
4           ence of the investigation to the listed subscriber, or  
5           to any other person, until otherwise ordered by the  
6           court.

7           “(e) NOTIFICATION.—Within a reasonable time but  
8           not later than 90 days after the termination of the period  
9           of a clone pager order or any extensions thereof, the  
10          issuing judge shall cause to be served, on each individual  
11          using the numeric display paging device which was cloned,  
12          an inventory including notice of—

13                 “(1) the fact of the entry of the order or the  
14                 application;

15                 “(2) the date of the entry and the period of  
16                 clone pager use authorized, or the denial of the ap-  
17                 plication; and

18                 “(3) whether or not information was obtained  
19                 through the use of the clone pager.

20          Upon an ex parte showing of good cause, a court of com-  
21          petent jurisdiction may in its discretion postpone the serv-  
22          ing of the notice required by this section.”.

23          (c) CONFORMING AMENDMENT.—The analysis for  
24          chapter 206 of title 18, United States Code, is amended—

1           (1) by striking the item relating to section 3121  
2           and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.”;

3           (2) by striking the item relating to section 3124  
4           and inserting the following:

“3124. Assistance in installation and use of a pen register, a trap and trace device, or clone pager.”;

5           (3) by striking the item relating to section 3125  
6           and inserting the following:

“3125. Emergency pen register, trap and trace device, and clone pager installation and use.”;

7           (4) by striking the item relating to section 3126  
8           and inserting the following:

“3126. Reports concerning pen registers, trap and trace devices, and clone pagers.”;

9           and

10          (5) by adding at the end the following:

“3128. Application for an order for use of a clone pager.

“3129. Issuance of an order for use of a clone pager.”.

11          (d) CONFORMING AMENDMENTS.—

12           (1) Section 2511(2)(h) of title 18, United  
13           States Code, is amended by striking clause (i) and  
14           inserting the following:

15                   “(i) to use a pen register, a trap and  
16                   trace device, or a clone pager (as those  
17                   terms are defined for the purposes of chap-  
18                   ter 206 (relating to pen registers, trap and

1 trace devices, and clone pagers) of this  
 2 title); or”.

3 (2) Section 2510(12) of title 18, United States  
 4 Code, is amended—

5 (A) in subparagraph (C), by striking “or”  
 6 at the end;

7 (B) by inserting “or” after subparagraph  
 8 (D); and

9 (C) by adding at the end the following:

10 “(E) any transmission made through a  
 11 clone pager (as defined in section 3127(5) of  
 12 this title).”.

13 (3) Section 705(a) of the Communications Act  
 14 of 1934 (47 U.S.C. 605(a)) is amended by striking  
 15 “chapter 119” and inserting “chapters 119 and  
 16 206”.

17 **SEC. 2142. SENTENCING ENHANCEMENT FOR USING BODY**  
 18 **ARMOR IN COMMISSION OF A FELONY.**

19 (a) DEFINITIONS.—In this section:

20 (1) BODY ARMOR.—The term “body armor”  
 21 means any product sold or offered for sale as per-  
 22 sonal protective body covering intended to protect  
 23 against gunfire, regardless of whether the product is  
 24 to be worn alone or is sold as a complement to an-  
 25 other product or garment; and

1           (2) LAW ENFORCEMENT OFFICER.—The term  
2       “law enforcement officer” means any officer, agent,  
3       or employee of the United States, a State, or a polit-  
4       ical subdivision of a State, authorized by law or by  
5       a government agency to engage in or supervise the  
6       prevention, detection, investigation, or prosecution of  
7       any violation of criminal law.

8       (b) SENTENCING ENHANCEMENT.—Pursuant to its  
9       authority under section 994(p) of title 28, United States  
10      Code, the United States Sentencing Commission shall  
11      amend the Federal sentencing guidelines to provide an ap-  
12      propriate sentencing enhancement for any offense in which  
13      the defendant used body armor.

14      (c) CONSISTENCY.—In carrying out this section, the  
15      United States Sentencing Commission shall—

16           (1) ensure that there is reasonable consistency  
17      with other Federal sentencing guidelines; and

18           (2) avoid duplicative punishment for substan-  
19      tially the same offense.

20      (d) APPLICABILITY.—No Federal sentencing guide-  
21      line amendment made under this section shall apply if the  
22      Federal crime in which the body armor is used constitutes  
23      a violation of, attempted violation of, or conspiracy to vio-  
24      late the civil rights of a person by a law enforcement offi-

1 cer acting under color of the authority of such law enforce-  
2 ment officer.

3 **SEC. 2143. SENTENCING ENHANCEMENT FOR USING LASER**  
4 **SIGHTING DEVICES IN COMMISSION OF A**  
5 **FELONY.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “firearm” has the same meaning  
8 as in section 921 of title 18, United States Code;  
9 and

10 (2) the term “laser-sighting device” includes  
11 any device designed to be attached to a firearm that  
12 uses technology, such as laser sighting, red-dot-  
13 sighting, night sighting, telescopic sighting, or other  
14 similarly effective technology, in order to enhance  
15 target acquisition.

16 (b) SENTENCING ENHANCEMENT.—Pursuant to its  
17 authority under section 994(p) of title 28, United States  
18 Code, the United States Sentencing Commission shall  
19 amend the Federal sentencing guidelines to provide an ap-  
20 propriate sentencing enhancement for any serious violent  
21 felony or serious drug offense, as defined in section 3559  
22 of title 18, United States Code, in which the defendant—

23 (1) possessed a firearm equipped with a laser-  
24 sighting device; or

1           (2) possessed a firearm and the defendant pos-  
2           sessed a laser-sighting device (capable of being read-  
3           ily attached to the firearm).

4           (c) CONSISTENCY.—In carrying out this section, the  
5   United States Sentencing Commission shall—

6           (1) ensure that there is reasonable consistency  
7           with other Federal sentencing guidelines; and

8           (2) avoid duplicative punishment for substan-  
9           tially the same offense.

10 **SEC. 2144. GOVERNMENT ACCESS TO LOCATION INFORMA-**  
11 **TION.**

12           (a) COURT ORDER REQUIRED.—Section 2703 of title  
13 18, United States Code, is amended by adding at the end  
14 the following:

15           “(g) REQUIREMENTS FOR DISCLOSURE OF LOCATION  
16 INFORMATION.—A provider of mobile electronic commu-  
17 nication service shall provide to a governmental entity in-  
18 formation generated by and disclosing, on a real time  
19 basis, the physical location of a subscriber’s equipment  
20 only if the governmental entity obtains a court order  
21 issued upon a finding that there is probable cause to be-  
22 lieve that an individual using or possessing the subscriber  
23 equipment is committing, has committed, or is about to  
24 commit a felony offense.”.

1 (b) CONFORMING AMENDMENT.—Section  
 2 2703(c)(1)(B) of title 18, United States Code, is amended  
 3 by inserting “or wireless location information covered by  
 4 subsection (g) of this section” after “(b) of this section”.

5 **SEC. 2145. LIMITATION ON OBTAINING TRANSACTIONAL IN-**  
 6 **FORMATION FROM PEN REGISTERS OR TRAP**  
 7 **AND TRACE DEVICES.**

8 Subsection 3123(a) of title 18, United States Code,  
 9 is amended to read as follows:

10 “(a) IN GENERAL.—Upon an application made under  
 11 section 3122, the court may enter an ex parte order—

12 “(1) authorizing the installation and use of a  
 13 pen register or a trap and trace device within the ju-  
 14 risdiction of the court if the court finds, based on  
 15 the certification by the attorney for the Government  
 16 or the State law enforcement or investigative officer,  
 17 that the information likely to be obtained by such in-  
 18 stallation and use is relevant to an ongoing criminal  
 19 investigation; and

20 “(2) directing that the use of the pen register  
 21 or trap and trace device be conducted in such a way  
 22 as to minimize the recording or decoding of any elec-  
 23 tronic or other impulses that are not related to the  
 24 dialing and signaling information utilized in call  
 25 processing.”.



1       **Subtitle B—Combating Money**  
 2                   **Laundrying**

3   **SEC. 2201. SHORT TITLE.**

4       This subtitle may be cited as the “Money Laundrying  
 5   Enforcement Act of 2001”.

6   **SEC. 2202. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

7       (a) CIVIL FORFEITURE FOR MONEY TRANSMITTING  
 8   VIOLATION.—Section 981(a)(1)(A) of title 18, United  
 9   States Code, is amended by striking “or 1957” and insert-  
 10   ing “, 1957, or 1960”.

11       (b) SCIENTER REQUIREMENT FOR SECTION 1960  
 12   VIOLATION.—Section 1960 of title 18, United States  
 13   Code, is amended by adding at the end the following:

14       “(c) SCIENTER REQUIREMENT.—For the purposes of  
 15   proving a violation of this section involving an illegal  
 16   money transmitting business—

17               “(1) it shall be sufficient for the Government to  
 18       prove that the defendant knew that the money trans-  
 19       mitting business lacked a license required by State  
 20       law; and

21               “(2) it shall not be necessary to show that the  
 22       defendant knew that the operation of such a busi-  
 23       ness without the required license was an offense  
 24       punishable as a felony or misdemeanor under State  
 25       law.”.

1 **SEC. 2203. RESTRAINT OF ASSETS OF PERSONS ARRESTED**  
2 **ABROAD.**

3 Section 981(b) of title 18, United States Code, is  
4 amended by adding at the end the following:

5 “(3) RESTRAINT OF ASSETS.—

6 “(A) IN GENERAL.—If any person is arrested  
7 or charged in a foreign country in connection with  
8 an offense that would give rise to the forfeiture of  
9 property in the United States under this section or  
10 under the Controlled Substances Act (21 U.S.C. 801  
11 et seq.), the Attorney General may apply to any  
12 Federal judge or magistrate judge in the district in  
13 which the property is located for an ex parte order  
14 restraining the property subject to forfeiture for not  
15 more than 30 days, except that the time may be ex-  
16 tended for good cause shown at a hearing conducted  
17 in the manner provided in Rule 43(e) of the Federal  
18 Rules of Civil Procedure.

19 “(B) APPLICATION.—An application for a re-  
20 straining order under subparagraph (A) shall—

21 “(i) set forth the nature and circumstances  
22 of the foreign charges and the basis for belief  
23 that the person arrested or charged has prop-  
24 erty in the United States that would be subject  
25 to forfeiture; and

1           “(ii) contain a statement that the restrain-  
 2           ing order is needed to preserve the availability  
 3           of property for such time as is necessary to re-  
 4           ceive evidence from the foreign country or else-  
 5           where in support of probable cause for the sei-  
 6           zure of the property under this subsection.”.

7   **SEC. 2204. CIVIL MONEY LAUNDERING JURISDICTION OVER**  
 8           **FOREIGN PERSONS.**

9           Section 1956(b) of title 18, United States Code, is  
 10   amended—

11           (1) by redesignating paragraphs (1) and (2) as  
 12           subparagraphs (A) and (B), respectively, and indent-  
 13           ing each subparagraph appropriately;

14           (2) by striking “(b) Whoever” and inserting the  
 15           following:

16           “(b) CIVIL PENALTIES.—

17           “(1) IN GENERAL.—Whoever”; and

18           (3) by adding at the end the following:

19           “(2) JURISDICTION.—For purposes of adjudi-  
 20           cating an action filed or enforcing a penalty ordered  
 21           under this section, the district courts of the United  
 22           States shall have jurisdiction over any foreign per-  
 23           son, including any financial institution authorized  
 24           under the laws of a foreign country, that commits an  
 25           offense under subsection (a) involving a financial

1 transaction that occurs in whole or in part in the  
 2 United States, if service of process upon such for-  
 3 eign person is made in accordance with the Federal  
 4 Rules of Civil Procedure or the laws of the foreign  
 5 country in which the foreign person is found.

6 “(3) SATISFACTION OF JUDGMENT.—In any ac-  
 7 tion described in paragraph (2), the court may issue  
 8 a pretrial restraining order or take any other action  
 9 necessary to ensure that any bank account or other  
 10 property held by the defendant in the United States  
 11 is available to satisfy a judgment under this sec-  
 12 tion.”.

13 **SEC. 2205. PUNISHMENT OF LAUNDERING MONEY**  
 14 **THROUGH FOREIGN BANKS.**

15 Section 1956(c)(6) of title 18, United States Code,  
 16 is amended to read as follows:

17 “(6) the term ‘financial institution’ includes—

18 “(A) any financial institution described in  
 19 section 5312(a)(2) of title 31, or the regula-  
 20 tions promulgated thereunder; and

21 “(B) any foreign bank, as defined in sec-  
 22 tion 1(b)(7) of the International Banking Act of  
 23 1978 (12 U.S.C. 3101(7));”.

1 **SEC. 2206. ADDITION OF SERIOUS FOREIGN CRIMES TO**  
2 **LIST OF MONEY LAUNDERING PREDICATES.**

3 (a) IN GENERAL.—Section 1956(c)(7) of title 18,  
4 United States Code, is amended—

5 (1) in subparagraph (B)—

6 (A) by striking clause (ii) and inserting the  
7 following:

8 “(ii) any act or acts constituting a  
9 crime of violence;”; and

10 (B) by adding at the end the following:

11 “(iv) fraud, or any scheme to defraud,  
12 committed against a foreign government or  
13 foreign governmental entity;

14 “(v) bribery of a public official, or the  
15 misappropriation, theft, or embezzlement  
16 of public funds by or for the benefit of a  
17 public official;

18 “(vi) smuggling or export control vio-  
19 lations involving munitions listed in the  
20 United States Munitions List or tech-  
21 nologies with military applications as de-  
22 fined in the Commerce Control List of the  
23 Export Administration Regulations; or

24 “(vii) an offense with respect to which  
25 the United States would be obligated by a  
26 multilateral treaty either to extradite the

1           alleged offender or to submit the case for  
2           prosecution, if the offender were found  
3           within the territory of the United States;”;

4           (2) in subparagraph (D)—

5                (A) by inserting “section 541 (relating to  
6           goods falsely classified),” before “section 542”;

7                (B) by inserting “section 922(l) (relating  
8           to the unlawful importation of firearms), sec-  
9           tion 924(m) (relating to firearms trafficking),”  
10           before “section 956”;

11               (C) by inserting “section 1030 (relating to  
12           computer fraud and abuse),” before “1032”;  
13           and

14               (D) by inserting “any felony violation of  
15           the Foreign Agents Registration Act of 1938  
16           (22 U.S.C. 611 et seq.),” before “or any felony  
17           violation of the Foreign Corrupt Practices Act”;  
18           and

19           (3) in subparagraph (E), by inserting “the  
20           Clean Air Act (42 U.S.C. 6901 et seq.),” after “the  
21           Safe Drinking Water Act (42 U.S.C. 300f et seq.),”.

1 **SEC. 2207. CRIMINAL FORFEITURE FOR MONEY LAUN-**  
 2 **DERING CONSPIRACIES.**

3 Section 982(a)(1) of title 18, United States Code, is  
 4 amended by inserting “or a conspiracy to commit any such  
 5 offense,” after “of this title,”.

6 **SEC. 2208. FUNGIBLE PROPERTY IN FOREIGN BANK AC-**  
 7 **COUNTS.**

8 Section 984(d) of title 18, United States Code, is  
 9 amended by adding at the end the following:

10 “(3) In this subsection, the term ‘financial institu-  
 11 tion’ includes a foreign bank, as defined in section 1(b)(7)  
 12 of the International Banking Act of 1978 (12 U.S.C.  
 13 3101(7)).”.

14 **SEC. 2209. ADMISSIBILITY OF FOREIGN BUSINESS**  
 15 **RECORDS.**

16 (a) IN GENERAL.—Chapter 163 of title 28, United  
 17 States Code, is amended by adding at the end the fol-  
 18 lowing:

19 **“§ 2467. Foreign records**

20 “(a) DEFINITIONS.—In this section—

21 “(1) the term ‘business’ includes business, insti-  
 22 tution, association, profession, occupation, and call-  
 23 ing of every kind whether or not conducted for prof-  
 24 it;

25 “(2) the term ‘foreign certification’ means a  
 26 written declaration made and signed in a foreign

1 country by the custodian of a record of regularly  
2 conducted activity or another qualified person, that  
3 if falsely made, would subject the maker to criminal  
4 penalty under the law of that country;

5 “(3) the term ‘foreign record of regularly con-  
6 ducted activity’ means a memorandum, report,  
7 record, or data compilation, in any form, of acts,  
8 events, conditions, opinions, or diagnoses, main-  
9 tained in a foreign country; and

10 “(4) the term ‘official request’ means a letter  
11 rogatory, a request under an agreement, treaty or  
12 convention, or any other request for information or  
13 evidence made by a court of the United States or an  
14 authority of the United States having law enforce-  
15 ment responsibility, to a court or other authority of  
16 a foreign country.

17 “(b) ADMISSIBILITY.—In a civil proceeding in a court  
18 of the United States, including a civil forfeiture proceeding  
19 and a proceeding in the United States Claims Court and  
20 the United States Tax Court, unless the source of infor-  
21 mation or the method or circumstances of preparation in-  
22 dicate lack of trustworthiness, a foreign record of regu-  
23 larly conducted activity (or a duplicate of such record),  
24 obtained pursuant to an official request, shall not be ex-  
25 cluded as evidence by the hearsay rule if a foreign certifi-



1 cation, also obtained pursuant to the same official request  
2 or subsequent official request that adequately identifies  
3 such foreign record, attests that—

4 “(1) the foreign record was made, at or near  
5 the time of the occurrence of the matters set forth,  
6 by (or from information transmitted by) a person  
7 with knowledge of those matters;

8 “(2) the foreign record was kept in the course  
9 of a regularly conducted business activity;

10 “(3) the business activity made such a record  
11 as a regular practice; and

12 “(4) if the foreign record is not the original, the  
13 record is a duplicate of the original.

14 “(c) FOREIGN CERTIFICATION.—A foreign certifi-  
15 cation under this section shall authenticate a record or  
16 duplicate described in subsection (b).

17 “(d) NOTICE.—

18 “(1) IN GENERAL.—As soon as practicable  
19 after a responsive pleading has been filed, a party  
20 intending to offer in evidence under this section a  
21 foreign record of regularly conducted activity shall  
22 provide written notice of that intention to each other  
23 party.

24 “(2) OPPOSITION.—A motion opposing admis-  
25 sion in evidence of a record under paragraph (1)

1 shall be made by the opposing party and determined  
 2 by the court before trial. Failure by a party to file  
 3 such motion before trial shall constitute a waiver of  
 4 objection to such record, except that the court for  
 5 cause shown may grant relief from the waiver.”.

6 (b) CONFORMING AMENDMENT.—The analysis for  
 7 chapter 163 of title 28, United States Code, is amended  
 8 by adding at the end the following:

“2467. Foreign records.”.

9 **SEC. 2210. CHARGING MONEY LAUNDERING AS A COURSE**  
 10 **OF CONDUCT.**

11 Section 1956(h) of title 18, United States Code, is  
 12 amended—

13 (1) by striking “(h) Any person” and inserting  
 14 the following:

15 “(h) CONSPIRACY; MULTIPLE VIOLATIONS.—

16 “(1) CONSPIRACY.—Any person”; and

17 (2) by adding at the end the following:

18 “(2) MULTIPLE VIOLATIONS.—Any person who  
 19 commits multiple violations of this section or section  
 20 1957 that are part of the same scheme or continuing  
 21 course of conduct may be charged, at the election of  
 22 the Government, in a single count in an indictment  
 23 or information.”.

1 **SEC. 2211. VENUE IN MONEY LAUNDERING CASES.**

2 Section 1956 of title 18, United States Code, is  
3 amended by adding at the end the following:

4 “(i) VENUE.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), a prosecution for an offense under this  
7 section or section 1957 may be brought in any dis-  
8 trict in which the financial or monetary transaction  
9 is conducted, or in which a prosecution for the un-  
10 derlying specified unlawful activity could be brought,  
11 if the defendant participates in the transfer of the  
12 proceeds of the specified unlawful activity from that  
13 district to the district where the financial or mone-  
14 tary transaction is conducted.

15 “(2) EXCEPTION.—A prosecution for an at-  
16 tempt or conspiracy offense under this section or  
17 section 1957 may be brought in the district in which  
18 venue would lie for the completed offense under  
19 paragraph (1), or in any other district in which an  
20 act in furtherance of the attempt or conspiracy took  
21 place.”.

22 **SEC. 2212. TECHNICAL AMENDMENT TO RESTORE WIRETAP**  
23 **AUTHORITY FOR CERTAIN MONEY LAUN-**  
24 **DERING OFFENSES.**

25 Section 2516(1)(g) of title 18, United States Code,  
26 is amended by striking “of title 31, United States Code

1 (dealing with the reporting of currency transactions)” and  
 2 inserting “or 5324 of title 31 (dealing with the reporting  
 3 and illegal structuring of currency transactions)”.

4 **SEC. 2213. CRIMINAL PENALTIES FOR VIOLATIONS OF ANTI-**  
 5 **MONEY LAUNDERING ORDERS.**

6 (a) REPORTING VIOLATIONS.—Section 5324(a) of  
 7 title 31, United States Code, is amended—

8 (1) in the matter preceding paragraph (1), by  
 9 inserting “, or the reporting requirements imposed  
 10 by an order issued pursuant to section 5326” after  
 11 “any such section”; and

12 (2) in each of paragraphs (1) and (2), by in-  
 13 serting “, or a report required under any order  
 14 issued pursuant to section 5326” before the semi-  
 15 colon.

16 (b) PENALTIES.—Sections 5321(a)(1), 5322(a), and  
 17 5322(b) of title 31, United States Code, are each amended  
 18 by inserting “or order issued” after “or a regulation pre-  
 19 scribed” each place that term appears.

20 **SEC. 2214. ENCOURAGING FINANCIAL INSTITUTIONS TO NO-**  
 21 **TIFY LAW ENFORCEMENT AUTHORITIES OF**  
 22 **SUSPICIOUS FINANCIAL TRANSACTIONS.**

23 (a) IN GENERAL.—Section 2702(b)(6) of title 18,  
 24 United States Code, is amended—

1           (1) by inserting “or supervisory agency” after  
2           “a law enforcement agency”;

3           (2) in subparagraph (A), by striking “; and”  
4           and inserting “and appear to pertain to the commis-  
5           sion of the crime; or”; and

6           (3) in subparagraph (B), by striking “appear to  
7           pertain to the commission of the crime.” and insert-  
8           ing “appear to reveal a suspicious transaction rel-  
9           evant to a possible violation of law or regulation.”

10          (b) DEFINITIONS.—Section 2711 of title 18, United  
11 States Code, is amended—

12           (1) in paragraph (1), by striking “and” at the  
13           end;

14           (2) in paragraph (2), by striking the period at  
15           the end and inserting “; and”; and

16           (3) by adding at the end the following:

17           “(3) the terms ‘suspicious transaction’ and ‘rel-  
18           evant to a possible violation of the law or regulation’  
19           shall be interpreted in the same manner as those  
20           terms have been interpreted for purposes of section  
21           5318(g) of title 31; and

22           “(4) the term ‘supervisory agency’ has the  
23           meaning given the term in section 1101(7) of the  
24           Right to Financial Privacy Act of 1978.”.

1 **SEC. 2215. COVERAGE OF FOREIGN BANK BRANCHES IN**  
2 **THE TERRITORIES.**

3 Section 20(9) of title 18, United States Code, is  
4 amended by inserting before the period the following: “,  
5 except that for purposes of this section the definition of  
6 the term ‘State’ in such Act shall be deemed to include  
7 a commonwealth, territory, or possession of the United  
8 States”.

9 **SEC. 2216. CONFORMING STATUTE OF LIMITATIONS**  
10 **AMENDMENT FOR CERTAIN BANK FRAUD OF-**  
11 **FENSES.**

12 Section 3293 of title 18, United States Code, is  
13 amended—

14 (1) by inserting “225,” after “215,”; and

15 (2) by inserting “1032,” before “1033”.

16 **SEC. 2217. JURISDICTION OVER CERTAIN FINANCIAL**  
17 **CRIMES COMMITTED ABROAD.**

18 Section 1029 of title 18, United States Code, is  
19 amended by adding at the end the following:

20 “(h) **JURISDICTION OVER CERTAIN FINANCIAL**  
21 **CRIMES COMMITTED ABROAD.**—Any person who, outside  
22 the jurisdiction of the United States, engages in any act  
23 that, if committed within the jurisdiction of the United  
24 States, would constitute an offense under subsection (a)  
25 or (b), shall be subject to the same penalties as if that

1 offense had been committed in the United States, if the  
2 act—

3 “(1) involves an access device issued, owned,  
4 managed, or controlled by a financial institution, ac-  
5 count issuer, credit card system member, or other  
6 entity within the jurisdiction of the United States;  
7 and

8 “(2) causes, or if completed would have caused,  
9 a transfer of funds from or a loss to an entity listed  
10 in paragraph (1).”.

11 **SEC. 2218. KNOWLEDGE THAT THE PROPERTY IS THE PRO-**  
12 **CEEDS OF A FELONY.**

13 Section 1956(c)(1) of title 18, United States Code,  
14 is amended by inserting “, and regardless of whether or  
15 not the person knew that the activity constituted a felony”  
16 before the semicolon at the end.

17 **SEC. 2219. MONEY LAUNDERING TRANSACTIONS; COMMUN-**  
18 **ICATED ACCOUNTS.**

19 (a) SECTION 1956.—Section 1956 of title 18, United  
20 States Code, is amended by adding at the end the fol-  
21 lowing:

22 “(i) A transaction, transportation, transmission, or  
23 transfer of funds shall be considered for the purposes of  
24 this section to be one involving the proceeds of specified  
25 unlawful activity, or property represented to be the pro-

1 ceeds of specified unlawful activity, if the transaction,  
 2 transportation, transmission, or transfer involves—

3 “(1) funds directly traceable to the specified  
 4 unlawful activity, or represented to be directly trace-  
 5 able to the specified unlawful activity;

6 “(2) a bank account in which the proceeds of  
 7 specified unlawful activity, or property represented  
 8 to be the proceeds of specified unlawful activity,  
 9 have been commingled with other funds; or

10 “(3) 2 or more bank accounts, where the pro-  
 11 ceeds of specified unlawful activity, or property rep-  
 12 resented to be the proceeds of specified unlawful ac-  
 13 tivity, are deposited into 1 bank account and there  
 14 is a contemporaneous, related withdrawal from, or  
 15 debit to, another bank account controlled by the  
 16 same person, or by a person acting in concert with  
 17 that person.”.

18 (b) SECTION 1957.—Section 1957(f) of title 18,  
 19 United States Code, is amended by inserting after para-  
 20 graph (3) the following:

21 “(4) the term ‘monetary transaction in crimi-  
 22 nally derived property that is of a value greater than  
 23 \$10,000’ includes—

24 “(A) a monetary transaction involving the  
 25 transfer, withdrawal, encumbrance or other dis-



position of more than \$10,000 from a bank account in which more than \$10,000 in proceeds of specified unlawful activity have been commingled with other funds;

“(B) a series of monetary transactions in amounts under \$10,000 that exceed \$10,000 in the aggregate and that are closely related to each other in terms of time, the identity of the parties involved, the nature of the transactions and the manner in which they are conducted; and

“(C) any financial transaction described in section 1956(i)(3) that involves more than \$10,000 in proceeds of specified unlawful activity.”.

(c) TECHNICAL AMENDMENT.—Section 1956(c)(7)(F) of title 18, United States Code, is amended by inserting “, as defined in section 24” before the period.

**SEC. 2220. LAUNDERING THE PROCEEDS OF TERRORISM.**

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “or 2339B” after “2339A”.

**SEC. 2221. VIOLATIONS OF SECTION 6050I.**

Sections 981(a)(1)(A) and 982(a)(1) of title 18, United States Code, are amended by inserting “, or of sec-

tion 6050I of the Internal Revenue Code of 1986 (26 U.S.C. § 6050I)” after “of title 31”.

**SEC. 2222. INCLUDING AGENCIES OF TRIBAL GOVERNMENTS IN THE DEFINITION OF A FINANCIAL INSTITUTION.**

Section 5312(a)(2)(W) of title 31, United States Code, is amended by striking “State or local” and inserting “State, local or tribal”.

**SEC. 2223. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORD-KEEPING REQUIREMENTS.**

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting “or order issued” after “subchapter or a regulation prescribed”; and

(2) by inserting A, or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,” after “section 5314 and 5315”).

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.—Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

1 (A) by inserting “or order issued” after  
 2 “willfully violating this subchapter or a regula-  
 3 tion prescribed”; and

4 (B) by inserting “or willfully violating a  
 5 regulation prescribed under section 21 of the  
 6 Federal Deposit Insurance Act or section 123  
 7 of Public Law 91–508,” after “under section  
 8 5315 or 5324),”;  
 9 (2) in subsection (b)—

10 (A) by inserting “or order issued” after  
 11 “willfully violating this subchapter or a regula-  
 12 tion prescribed”; and

13 (B) by inserting “willfully violating a regu-  
 14 lation prescribed under section 21 of the Fed-  
 15 eral Deposit Insurance Act or section 123 of  
 16 Public Law 91–508,” after “under section 5315  
 17 or 5324),”;

18 (c) STRUCTURING TRANSACTIONS TO EVADE TAR-  
 19 GETING ORDER OR CERTAIN RECORDKEEPING REQUIRE-  
 20 MENTS.—Section 5324 of title 31, United States Code, is  
 21 amended—

22 (1) in the title by inserting “or recordkeeping”  
 23 after “reporting”.

24 (2) in subsection (a)—

25 (A) by inserting a comma after “shall”;

(B) by striking “section—” and inserting “section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508—”;

(C) in paragraphs (1) and (2), by inserting “, to file a report or maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508” after “regulation prescribed under any such section” each place that term appears.

## **Subtitle C—Antidrug Provisions**

### **SEC. 2301. AMENDMENTS CONCERNING TEMPORARY EMERGENCY SCHEDULING.**

Section 201(h) of the Controlled Substances Act (21 U.S.C. 811(h)) is amended to read as follows:

“(h) TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY.—

“(1) IN GENERAL.—If the Attorney General finds that the control of a substance on a temporary

1 basis is necessary to avoid an imminent hazard to  
2 the public safety, the Attorney General may, by  
3 order and without regard to the requirements of  
4 subsection (b) of this section relating to the Sec-  
5 retary of Health and Human Services, and without  
6 regard to the findings required under section 202(b)  
7 (21 U.S.C. 812(b)), temporarily schedule such sub-  
8 stance in accordance with this subsection if no ap-  
9 proval is in effect for the substance under section  
10 505(i) of the Federal Food, Drug, and Cosmetic Act  
11 (hereafter in this subsection referred to as the FDC  
12 Act) (21 U.S.C. 355(i)).

13 “(A) If the substance is not contained in  
14 a drug for which an investigational new drug  
15 exemption is in effect under section 505(i) of  
16 the FDC Act, the temporary scheduling order  
17 shall place such substance in schedule I.

18 “(B) If the substance is contained in a  
19 drug for which an investigational new drug ex-  
20 emption is in effect under section 505(i) of the  
21 FDC Act, the temporary scheduling order shall  
22 place such substance in schedule II, subject to  
23 the conditions set forth in paragraph (6) of this  
24 subsection.

1 “(C) A temporary scheduling order, or  
 2 order renewing such order, may not take effect  
 3 before the expiration of thirty days from—

4 “(i) the date of the publication by the  
 5 Attorney General of a notice in the Federal  
 6 Register of the intention to issue such  
 7 order and the grounds upon which such  
 8 order is to be issued; and

9 “(ii) the date the Attorney General  
 10 has transmitted the notice required by  
 11 paragraph (4).

12 “(2) DURATION OF TEMPORARY SCHEDULING;  
 13 RENEWAL OF ORDERS.—

14 “(A) A temporary scheduling order issued  
 15 under subparagraph (1)(A) of this subsection  
 16 shall expire at the end of one year from the ef-  
 17 fective date of the order, except that the Attor-  
 18 ney General may, during the pendency of pro-  
 19 ceedings under subsection (a)(1) of this section  
 20 with respect to the substance, extend the tem-  
 21 porary scheduling order for up to six months.

22 “(B) A temporary scheduling order issued  
 23 under subparagraph (1)(B) of this subsection  
 24 shall expire at the end of 18 months from the  
 25 effective date of the order, except that, if the

1 Attorney General determines that continuation  
2 of the temporary scheduling order is necessary  
3 to avoid an imminent hazard to the public safe-  
4 ty, the Attorney General may issue a renewal  
5 order, 30 days prior to expiration of the tem-  
6 porary scheduling order, extending the original  
7 order for an additional 18 months, provided the  
8 following conditions are met—

9 “(i) an exemption with respect to such  
10 substance remains in effect under section  
11 505(i) of the FDC Act; and—

12 “(ii) the holder of such exemption is  
13 actively pursuing the clinical investigation  
14 of the substance.

15 The Secretary shall certify to the Attorney Gen-  
16 eral whether or not each of conditions (i) and  
17 (ii) continue to be met no later than 90 days  
18 prior to the date on which the temporary sched-  
19 uling order is scheduled to a expire. As long as  
20 both conditions continue to be met, the Attor-  
21 ney General may, every 18 months, continue to  
22 issue orders renewing the temporary scheduling  
23 of a particular substance. If either of the fore-  
24 going conditions are no longer met for a par-  
25 ticular substance, the temporary scheduling of

1           that substance may not be renewed and shall  
2           expire 12 months after the date on which such  
3           condition fails to be met, except that the Attor-  
4           ney General may, during the pendency of pro-  
5           ceedings under subsection (a)(1) of this section  
6           with respect to the substance, extend the tem-  
7           porary scheduling for an additional six months.

8           “(3) FACTORS DETERMINATIVE OF TEMPORARY  
9           SCHEDULING.—When issuing an order under para-  
10          graph (1), the Attorney General shall be required to  
11          consider, with respect to the finding of an imminent  
12          hazard to the public safety, only those factors set  
13          forth in paragraphs (4), (5), and (6) of subsection  
14          (c) of this section, including actual abuse, diversion  
15          from legitimate channels, and clandestine importa-  
16          tion, manufacture, or distribution.

17          “(4) CONSULTATION WITH THE SECRETARY OF  
18          HEALTH AND HUMAN SERVICES.—The Attorney  
19          General shall transmit notice of an order proposed  
20          to be issued under paragraph (1) to the Secretary of  
21          Health and Human Services. In issuing an order  
22          under paragraph (1), the Attorney General shall  
23          take into consideration any comments submitted by  
24          the Secretary in response to a notice transmitted  
25          pursuant to this paragraph.



1           “(5) EFFECT OF PERMANENT SCHEDULING  
2       PROCEEDINGS.—An order issued under paragraph  
3       (1) with respect to a substance shall be vacated  
4       upon the conclusion of a subsequent rule making  
5       proceeding initiated under subsection (a) of this sec-  
6       tion with respect to such substance.

7           “(6) SPECIAL RULES APPLICABLE TO TEMPO-  
8       RARILY SCHEDULED INVESTIGATIONAL DRUGS.—

9           (A) In the case of a substance that is tem-  
10       porarily scheduled under subparagraph (l)(B) of  
11       this subsection that was controlled under this  
12       subchapter prior to its temporary scheduling,  
13       any person who manufactures, distributes, dis-  
14       penses, possesses, or uses such substance within  
15       the scope of the exemption under section 505(i)  
16       of the FDC Act shall be subject to the same re-  
17       quirements of this subchapter that were in ef-  
18       fect prior to the temporary scheduling.

19           “(B) In the case of a substance that is  
20       temporarily scheduled under subparagraph  
21       (l)(B) of this subsection that was not controlled  
22       under this subchapter prior to its temporary  
23       scheduling, any person who manufactures, dis-  
24       tributes, dispenses, possesses, or uses such sub-  
25       stance within the scope of the exemption under

1 section 505(i) of the FDC Act shall not be re-  
2 quired to comply with the requirements of part  
3 C of this subchapter, except as provided in this  
4 paragraph—

5 “(i) Such person shall be subject to  
6 sections 302, 303, and 304 (21 U.S.C.  
7 822, 823, and 824), relating to registra-  
8 tion.

9 “(ii) Compliance with applicable  
10 record keeping and reporting requirements  
11 of the FDC Act, as determined by the Sec-  
12 retary, shall constitute compliance with  
13 section 307 (21 U.S.C. 827). A violation of  
14 such requirements shall constitute a viola-  
15 tion of section 307 and shall subject a vio-  
16 lator to applicable penalties under Part D  
17 of this subchapter, in addition to any other  
18 penalties provided by law. Records or docu-  
19 ments required to be kept for such pur-  
20 poses under the FDC Act shall be deemed  
21 records or documents required under this  
22 subchapter, and places where such records  
23 or documents are kept or required to be  
24 kept shall be deemed controlled premises  
25 for purposes of administrative inspections

1                   and warrants under section 510 (21  
2                   U.S.C. 880).

3                   “(iii) A registrant handling an inves-  
4                   tigational drug that has been temporarily  
5                   scheduled under this section shall be sub-  
6                   ject to the requirements established under  
7                   section 307(f), relating to procedures nec-  
8                   essary to insure the security and account-  
9                   ability of controlled substances used in re-  
10                  search and to prevent theft or diversion of  
11                  the drug into illegal channels of distribu-  
12                  tion.

13                  “(C) Each person that is a sponsor of an  
14                  investigation of a new drug for which a re-  
15                  search exemption is in effect under section  
16                  505(i) of the FDC Act with respect to such  
17                  substance shall be required to certify to the  
18                  Secretary of Health and Human Services, by  
19                  one month after the effective date of the tem-  
20                  porary scheduling order with respect to the sub-  
21                  stance, and by the end of each succeeding six  
22                  month period, that such person is able to ac-  
23                  count for the location and use of all quantities  
24                  of such substance that are or have been manu-  
25                  factured, distributed, dispensed, possessed, or

1           used under such exemption on or before the  
2           date of such certification.

3           “(D) In the case of a substance that is  
4           temporarily scheduled under subparagraph  
5           (1)(B) of this subsection, the disclosure of the  
6           existence of an exemption under section 505(i)  
7           of the FDC Act with respect to such substance  
8           shall not be considered to be disclosure prohib-  
9           ited by section 301(j) of the FDC Act or sec-  
10          tion 1905 of title 18 of the United States Code.

11          “(E) The manufacture, possession, dis-  
12          tribution, or use of such substance within the  
13          scope of such exception shall not be subject to  
14          any requirements or penalty under State or  
15          local law more stringent than the provisions of  
16          this chapter or other applicable Federal law.

17          “(7) JUDICIAL REVIEW.—An order issued  
18          under paragraph (1) is not subject to judicial review,  
19          except that a renewal order issued under subpara-  
20          graph (2)(B) of this subsection is subject to judicial  
21          review in accordance with section 507 (21 U.S.C.  
22          877).”.

1 **SEC. 2302. AMENDMENT TO REPORTING REQUIREMENT**  
2 **FOR TRANSACTIONS INVOLVING CERTAIN**  
3 **LISTED CHEMICALS.**

4 Section 310(b)(3) of the Controlled Substances Act  
5 (21 U.S.C. 830(b)(3)) is amended by—

6 (1) redesignating subparagraphs (A) and (B) as  
7 subparagraphs (B) and (C);

8 (2) inserting a new subparagraph (A) as fol-  
9 lows:

10 “(A) As used in this section, the term  
11 ‘drug product’ means a pharmaceutical sub-  
12 stance in dosage form that has been approved  
13 under the Food, Drug and Cosmetic Act for  
14 distribution in the United States.”;

15 (3) in the redesignated (B) by inserting “or  
16 who engages in an export transaction” after “non-  
17 regulated person”; and

18 (4) adding at the end the following—

19 “(D) Except as provided in subparagraph  
20 (E), the following distributions to a nonregu-  
21 lated person and the following export trans-  
22 actions shall not be subject to the reporting re-  
23 quirement established in subparagraph (B):

24 “(i) distributions of sample packages  
25 of drug products when such packages con-  
26 tain not more than 2 solid dosage units or

1 the equivalent of 2 dosage units in liquid  
2 form, not to exceed 10 milliliters of liquid  
3 per package, and not more than one pack-  
4 age is distributed to an individual or resi-  
5 dential address in any 30-day time period;

6 “(ii) distributions of drug products by  
7 retail distributors to the extent that such  
8 distributions are consistent with the activi-  
9 ties authorized for a retail distributor as  
10 set out in section 102(46) of this title;

11 “(iii) distributions of drug products to  
12 a resident of a Long Term Care Facility  
13 (as that term is defined in the regulations  
14 of the Attorney General) or distributions of  
15 drug products to a Long Term Care Facil-  
16 ity for dispensing to or for use by a resi-  
17 dent of that facility;

18 “(iv) distributions of drug products  
19 pursuant to a valid prescription (as used in  
20 this section, the term ‘valid prescription’ is  
21 one which is issued for a legitimate med-  
22 ical purpose by individual practitioner li-  
23 censed by law to administer and prescribe  
24 such drugs and acting in the usual course  
25 of his/her professional practice);

1 “(v) exports which have been reported  
2 to the Attorney General pursuant to sec-  
3 tion 1004 or 1018 of title III or which are  
4 subject to a waiver granted under section  
5 1018(e)(2) of title III; and

6 “(vi) any quantity, method or type of  
7 distribution or any quantity, method or  
8 type of distribution of a specific listed  
9 chemical (including specific formulations or  
10 drug products) or of a group of listed  
11 chemicals (including specific formulations  
12 or drug products) which the Attorney Gen-  
13 eral has excluded by regulation from this  
14 reporting requirement on the basis that  
15 such reporting is not necessary to the en-  
16 forcement of this title or title III.

17 “(E) The Attorney General may revoke  
18 any or all of the exemptions listed in (C) for an  
19 individual regulated person if he finds that drug  
20 products distributed by that person are being  
21 used in violation of this title or title III. The  
22 regulated person shall be notified of this revoca-  
23 tion, which will be effective upon receipt by the  
24 regulated person of such notice, as provided in  
25 section 1018(c)(1) of title III and has the right

1 to an expedited hearing as provided in section  
 2 1018(c)(2) of title III.”.

3 **SEC. 2303. DRUG PARAPHERNALIA.**

4 (a) IN GENERAL.—Section 422(d) of the Controlled  
 5 Substances Act (21 U.S.C. 863(d)) is amended by insert-  
 6 ing “packaging,” after “concealing,”.

7 (b) DETERMINATION OF DRUG PARAPHERNALIA.—  
 8 Section 422(e)(4) of the Controlled Substances Act (21  
 9 U.S.C. 863(e)(4)) is amended by adding the following  
 10 after “sale”: “including, but not limited to, whether the  
 11 item displays any name brand, insignia or other indicator  
 12 which is associated with illegal drugs or which is used to  
 13 advertise or identify an illegal drug”.

14 (c) CLERICAL AMENDMENTS.—(1) Section  
 15 511(a)(10) of the Controlled Substances Act (21 U.S.C.  
 16 881(a)(10)) is amended by striking all after “as defined  
 17 in” and inserting “section 422 of this title.”.

18 (2) Section 422 of the Controlled Substances  
 19 Act (21 U.S.C. 881(a)(10)) is amended—

20 (A) by deleting subsection (c); and

21 (B) by redesignating subsections (d), (e),  
 22 and (f) as subsections (c), (d), and (e), respec-  
 23 tively.



1 **SEC. 2304. COUNTERFEIT SUBSTANCES/IMITATION CON-**  
2 **TROLLED SUBSTANCES.**

3 (a) Section 102(7) of the Controlled Substances Act  
4 (21 U.S.C. 802(7)) is amended by—

5 (1) inserting “(A)” after “(7)”;

6 (2) designating the text after “a controlled sub-  
7 stance” as clause (i);

8 (3) inserting “characteristic,” after “number,”;

9 (4) striking the period at the end and inserting  
10 a semicolon; and

11 (5) adding at the end the following:

12 “(ii) which falsely purports or is rep-  
13 resented to be a different controlled substance;  
14 or

15 “(iii) which is manufactured or designed in  
16 such a manner, or is distributed, dispensed, or  
17 otherwise transferred under such circumstances,  
18 such that a reasonable person would believe  
19 that the substance is a different controlled sub-  
20 stance.

21 “(B) The term ‘imitation controlled substance’  
22 means a substance, which is not a controlled sub-  
23 stance, that is represented (expressly or by implica-  
24 tion) to be a controlled substance.

25 “(C) The term ‘imitation controlled substance’  
26 does not include a placebo which is directly applied

1 to the body of a research subject or a patient or  
2 which is delivered to a research subject or a person  
3 for his own use, by, or pursuant to the order of, a  
4 practitioner for a lawful purpose.”.

5 (b) Section 102(8) of the Controlled Substances Act  
6 (21 U.S.C. 802(8)) is amended by inserting “, an imita-  
7 tion controlled substance,” after “controlled substance”.

8 (c) Section 102(11) of the Controlled Substances Act  
9 (21 U.S.C. 802(11)) is amended by—

10 (1) inserting “to deliver an imitation controlled  
11 substance or” after “controlled substance or” in the  
12 first sentence; and

13 (2) inserting “, an imitation controlled sub-  
14 stance,” after “controlled substance” in the second  
15 sentence.

16 (d) Section 102(44) of the Controlled Substances Act  
17 (21 U.S.C. 802(44)) is amended by—

18 (1) striking “or” after “marihuana,”; and

19 (2) inserting “, anabolic agents, or listed chemi-  
20 cals, or an offense that is punishable by imprison-  
21 ment for more than one year under any provision of  
22 this title or title III” after “stimulant substances”.

23 (e) Section 401(a) of the Controlled Substances Act  
24 (21 U.S.C. 841(a)) is amended by—

25 (1) striking “or” at the end of paragraph (1);

1           (2) striking “create” in paragraph (2) and in-  
2       serting “manufacture”;

3           (3) inserting “manufacture,” after “intent to”  
4       in paragraph (2);

5           (4) striking the period at the end of paragraph  
6       (2) and inserting “; or” ; and

7           (5) adding at the end the following paragraph:

8           “(3) to manufacture, distribute, or dispense, or  
9       possess with intent to manufacture, distribute or dis-  
10      pense, an imitation controlled substance.”.

11       (f) Section 401(b) of the Controlled Substances Act  
12   (21 U.S.C. 841(b) is amended by redesignating para-  
13   graphs (4) through (7) as paragraphs (6) through (9) and  
14   inserting after paragraph (3) the following:

15           “(4)(A) In the case of a counterfeit substance,  
16      such person shall be sentenced in accordance with  
17      this section based on the controlled substance which  
18      the counterfeit substance is represented to be or  
19      based on the controlled substance which is actually  
20      contained in the counterfeit substance, whichever  
21      provides the greater sentence.

22           “(B) Paragraph (5)(B) of this subsection may  
23      be applied to make a determination that a controlled  
24      substance is a counterfeit substance.

1           “(5)(A) In the case of an imitation controlled  
2           substance, such person shall be sentenced to a term  
3           of imprisonment or a fine, or both, which does not  
4           exceed one-half of the maximum term of imprison-  
5           ment and fine which would apply under this section  
6           to the controlled substance which the imitation con-  
7           trolled substance is represented to be. The minimum  
8           period of supervised release for such person shall be  
9           one-half of that which would apply under this sec-  
10          tion to the controlled substance which the imitation  
11          controlled substance is represented to be.

12           “(B) In the case of a violation of this title or  
13          title III involving an imitation controlled substance,  
14          the following provisions shall apply:

15           “(i) The trier of fact may consider the fol-  
16          lowing factors in addition to any other factor  
17          that may be relevant for purposes of deter-  
18          mining whether a substance was an imitation  
19          controlled substance. The presence of any two  
20          of the following factors shall be prima facie evi-  
21          dence that the substance was an imitation con-  
22          trolled substance; however, the presence of two  
23          factors is not required for a determination that  
24          a substance is an imitation controlled sub-  
25          stance:

1           “(I) The person in control of the sub-  
2           stance expressly or impliedly represents  
3           that the substance is a controlled sub-  
4           stance or has the effect of a controlled sub-  
5           stance;

6           “(II) The person in control of the  
7           substance expressly or impliedly represents  
8           that the substance because of its nature or  
9           appearance can be sold, delivered or used  
10          as a controlled substance or as a substitute  
11          for a controlled substance;

12          “(III) The person in control of the  
13          substance utilizes evasive tactics or actions  
14          to avoid detection by law enforcement au-  
15          thorities or other authorities such as school  
16          authorities;

17          “(IV) The physical appearance of the  
18          substance is, or is designed to be, substan-  
19          tially identical to a specific controlled sub-  
20          stance. This may be determined by such  
21          factors as color, shape, size, markings,  
22          taste, odor, consistency, packaging, label-  
23          ing, or other identifying characteristics;

24          “(V) The substance is packaged or  
25          distributed in a manner normally used for

1 the illegal distribution of controlled sub-  
2 stances; or

3 “(VI) The distribution or attempted  
4 distribution includes an exchange or de-  
5 mand for money or other property as con-  
6 sideration, and the amount of the consider-  
7 ation is substantially greater than the rea-  
8 sonable retail market value of the sub-  
9 stance.

10 “(ii) It shall not constitute a defense that  
11 the accused believed the imitation controlled  
12 substance to actually be a controlled sub-  
13 stance.”.

14 (g) Section 403 of the Controlled Substances Act (21  
15 U.S.C. 843) is amended—

16 (1) in paragraph (a)(2), by inserting “or list I  
17 chemical” after “controlled substance” each place it  
18 appears;

19 (2) in paragraph (a)(3), by inserting “or a lab-  
20 oratory supply (as defined in section 402(a) of this  
21 title)” after “controlled substance”; and

22 (3) in paragraph (a)(5) by—

23 (A) inserting “or substance” after “drug”  
24 both places it appears; and

1 (B) inserting “or an imitation controlled  
2 substance” after “counterfeit substance”.

3 (h) Section 506(a) of the Controlled Substances Act  
4 (21 U.S.C. 876(a)) is amended by inserting “, imitation  
5 controlled substances,” after “controlled substances”.

6 (i) Section 509 of the Controlled Substances Act (21  
7 U.S.C. 879) is amended by inserting “imitation controlled  
8 substances, or listed chemicals” after “controlled sub-  
9 stances”.

10 (j)(1) Section 511(a) of the Controlled Substances  
11 Act (21 U.S.C. 881(a)) is amended—

12 (A) in paragraph (1), by inserting “and imita-  
13 tion controlled substances” after “controlled sub-  
14 stances”;

15 (B) in paragraph (2), by inserting “, imitation  
16 controlled substance,” after “controlled substance”;

17 (C) in paragraph (6), by inserting “, imitation  
18 controlled substance,” after “controlled substance”;

19 and

20 (D) in paragraph (8), by inserting “and imita-  
21 tion controlled substances” after “controlled sub-  
22 stances”.

23 (2) Section 607(a)(3) of the Tariff Act of 1930 (19  
24 U.S.C. 1607(a)(3)) is amended by inserting “, imitation  
25 controlled substance,” after “controlled substance”.

1       (3) Section 607(b) of the Tariff Act of 1930 (19  
2 U.S.C. 1607(b)) is amended by inserting “, ‘imitation con-  
3 trolled substance’,” after “‘controlled substance’”.

4       (k) Section 1010(a) of the Controlled Substances Act  
5 (21 U.S.C. 960(a)) is amended—

6           (1) in paragraph (2), by striking “or” at the  
7 end;

8           (2) in paragraph (3), by inserting “or” after  
9 “substance,”; and

10          (3) by inserting after paragraph (3) the fol-  
11 lowing:

12           “(4) knowingly or intentionally imports or ex-  
13 ports a counterfeit substance or an imitation con-  
14 trolled substance,”.

15       (l) Section 2516(1)(e) of title 18, United States Code,  
16 is amended by inserting “or a violation of the Controlled  
17 Substances Act (21 U.S.C. 801 et seq.) or the Controlled  
18 Substances Import and Export Act (21 U.S.C. 851, et  
19 seq.)” after “United States”.

20 **SEC. 2305. CONFORMING AMENDMENT CONCERNING MARI-**  
21 **JUANA PLANTS.**

22       Section 1010(b)(4) of the Controlled Substances Im-  
23 port and Export Act (21 U.S.C. 960(b)(4)) is amended  
24 by striking “except in the case of 100 or more marijuana



1 plants” and inserting “except in the case of 50 or more  
2 marijuana plants”.

3 **SEC. 2306. SERIOUS JUVENILE DRUG TRAFFICKING OF-**  
4 **FENSES AS ARMED CAREER CRIMINAL ACT**  
5 **PREDICATES.**

6 Section 924(e)(2)(C) of title 18, United States Code,  
7 is amended by inserting “or serious drug offense” after  
8 “violent felony”.

9 **SEC. 2307. INCREASED PENALTIES FOR USING FEDERAL**  
10 **PROPERTY TO GROW OR MANUFACTURE**  
11 **CONTROLLED SUBSTANCES.**

12 (a) IN GENERAL.—Section 401(b)(5) of the Con-  
13 trolled Substances Act (21 U.S.C. 841(b)(5)) is amended  
14 to read as follows:

15 “(5) Any person who violates subsection (a) of  
16 this section by cultivating or manufacturing a con-  
17 trolled substance on any property in whole or in part  
18 owned by or leased to the United States or any de-  
19 partment or agency thereof shall be subject to twice  
20 the maximum punishment otherwise authorized for  
21 the offense.”.

22 (b) SENTENCING ENHANCEMENT.—

23 (1) IN GENERAL.—Pursuant to its authority  
24 under section 994(p) of title 28, United States Code,  
25 the United States Sentencing Commission shall

1       amend the Federal sentencing guidelines to provide  
2       an appropriate sentencing enhancement for any of-  
3       fense under section 401(b)(5) of the Controlled Sub-  
4       stances Act (21 U.S.C. 841(b)(5)) that occurs on  
5       Federal property.

6               (2) CONSISTENCY.—In carrying out this sec-  
7       tion, the United States Sentencing Commission  
8       shall—

9                       (A) ensure that there is reasonable consist-  
10                      ency with other Federal sentencing guidelines;  
11                      and

12                     (B) avoid duplicative punishment for sub-  
13                      stantially the same offense.

14   **SEC. 2308. CLARIFICATION OF LENGTH OF SUPERVISED RE-**  
15                       **LEASE TERMS IN CONTROLLED SUBSTANCE**  
16                       **CASES.**

17       Subparagraphs (A) through (D) of section 401(b)(1)  
18       of the Controlled Substances Act (21 U.S.C. 841(b)(1))  
19       are each amended by striking “Any sentence” and insert-  
20       ing “Notwithstanding section 3583 of title 18, any sen-  
21       tence”.

1 **SEC. 2309. SUPERVISED RELEASE PERIOD AFTER CONVIC-**  
2 **TION FOR CONTINUING CRIMINAL ENTER-**  
3 **PRISE.**

4 Section 848(a) of title 21, United States Code, is  
5 amended by adding to the end of the following: “Any sen-  
6 tence under this paragraph shall, in the absence of such  
7 a prior conviction, impose a term of supervised release of  
8 not less than 10 years in addition to such term of impris-  
9 onment and shall, if there was such a prior conviction,  
10 impose a term of supervised release of not less than 15  
11 years in addition to such term of imprisonment.”.

12 **SEC. 2310. TECHNICAL CORRECTION TO ENSURE COMPLI-**  
13 **ANCE OF SENTENCING GUIDELINES WITH**  
14 **PROVISIONS OF ALL FEDERAL STATUTES.**

15 Section 994(a) of title 28, United States Code, is  
16 amended by striking “consistent with all pertinent provi-  
17 sions of this title and title 18, United States Code,” and  
18 inserting “consistent with all pertinent provisions of any  
19 Federal statute”.

20 **SEC. 2311. IMPORT AND EXPORT OF CHEMICALS USED TO**  
21 **PRODUCE ILLICIT DRUGS.**

22 (a) NOTIFICATION REQUIREMENTS.—Section 1018  
23 of the Controlled Substances Import and Export Act (21  
24 U.S.C. 971) is amended—

25 (1) by amending subsection (a) to read as fol-  
26 lows:

1       “(a) Each person who proposes to engage in a trans-  
2 action involving the importation or exportation of a listed  
3 chemical which requires advance notification pursuant to  
4 the regulations of the Attorney General or the importation  
5 or exportation of a tableting machine or an encapsulating  
6 machine shall notify the Attorney General of the importa-  
7 tion or exportation not later than 15 days before the  
8 transaction is to take place in such form and supplying  
9 such information as the Attorney General shall require by  
10 regulation; in the case of an importation for transfer or  
11 transshipment pursuant to section 1004 of this title, such  
12 notice will be made as provided in that section.”;

13           (2) in subsection (c)(1)—

14           (A) by striking the phrase “(other than a  
15 regulated transaction to which the requirement  
16 of subsection (a) of this section does not apply  
17 by reason of subsection (b) of this section)”;

18           (B) by inserting “, a tableting machine or  
19 an encapsulating machine” after “a listed  
20 chemical”; and

21           (C) by inserting “, tableting machine, or  
22 encapsulating machine” after “the chemical”;  
23 and

24           (3) in subsection (e)—

1 (A) by redesignating paragraphs (2) and  
2 (3) as paragraphs (4) and (5);

3 (B) by inserting after paragraph (1) new  
4 paragraphs (2) and (3) as follows:

5 “(2) The Attorney General may by regulation  
6 require that the 15-day notification requirement of  
7 subsection (a) apply to all imports of a listed chem-  
8 ical, regardless of the status of certain importers of  
9 that listed chemical as regular importers, if the At-  
10 torney General finds that such notification is nec-  
11 essary to support effective chemical diversion control  
12 programs or is required by treaty or other inter-  
13 national agreement to which the United States is a  
14 party.

15 “(3) The Attorney General may require that  
16 the notification requirement of subsection (a) for  
17 certain importations or exportations, including those  
18 subject to section 1004 of this title, include addi-  
19 tional information to enable a determination to be  
20 made that the listed chemical being imported or ex-  
21 ported will be used for a legitimate purpose or when  
22 such information is needed to satisfy requirements  
23 of the importing or exporting country. The Attorney  
24 General will provide notice of these additional re-

1        requirements specifically identifying the listed chemi-  
2        cals and countries involved.”.

3        (b) TRANSSHIPMENT.—Section 1004 of the Con-  
4        trolled Substances Import and Export Act (21 U.S.C.  
5        954) is amended to read as follows:

6        **“§ 954. Transshipment and in-transit shipment of con-**  
7        **trolled substances**

8        “(a) Notwithstanding sections 952, 953, 957 and 971  
9        of this title, except as provided below—

10        “(1) A controlled substance in schedule I may  
11        be imported into the United States—

12        “(A) for transshipment to another country,  
13        or

14        “(B) for transference or transshipment  
15        from one vessel, vehicle, or aircraft to another  
16        vessel, vehicle, or aircraft within the United  
17        States for immediate exportation, if and only if  
18        (i) evidence is furnished which enables the At-  
19        torney General to determine that the substance  
20        being so imported, transferred, or transshipped  
21        will be used for scientific, medical, or other le-  
22        gitimate purposes in the country of destination,  
23        and (ii) it is so imported, transferred, or trans-  
24        shipped with the prior written approval of the  
25        Attorney General (which shall be granted or de-

1           nied within 21 days of the request) based on a  
2           determination that the requirements of this sec-  
3           tion and the applicable subsections of sections  
4           952 and 953 have been satisfied.

5           “(2) A controlled substance in schedule II, III,  
6           or IV or a listed chemical may be so imported,  
7           transferred, or transshipped if and only evidence is  
8           furnished which enables the Attorney General to de-  
9           termine that the substance or chemical being so im-  
10          ported, transferred, or transshipped will be used for  
11          scientific, medical, or other legitimate purposes in  
12          the country of destination and (ii) advance notifica-  
13          tion is given to the Attorney General not later than  
14          15 days prior to the exportation of the substance or  
15          chemical from the foreign port of embarkation (the  
16          notification period for imports other than for trans-  
17          fer or transshipment pursuant to section 1002 or  
18          1018 of this title is not affected by this subsection).  
19          Such notification shall be in such form and contain  
20          such information as the Attorney General may re-  
21          quire by regulation.

22          “(b)(1) Any such importation, transfer or trans-  
23          shipment of a controlled substance shall be subject to the  
24          applicable subsections of sections 1002 and 1003 of this  
25          title. The importation, transfer, transshipment or expor-

1 tation of any controlled substance may be suspended on  
2 the ground that the controlled substance may be diverted  
3 to other than scientific, medical or other legitimate pur-  
4 poses.

5 “(2) Any such importation, transfer or transshipment  
6 of a listed chemical shall be subject to all the requirements  
7 of section 1018 of this title, except that in no case shall  
8 the 15-day advance notification requirement be waived.  
9 The importation, transfer, transshipment or exportation  
10 of a listed chemical may be suspended on the ground that  
11 the chemical may be diverted to the clandestine manufac-  
12 ture of a controlled substance.

13 “(3) Any such importation, transfer or transshipment  
14 of a controlled substance or listed chemical may be sus-  
15 pended if any requirement of subsection (a) is not satis-  
16 fied. The Attorney General may withdraw a suspension  
17 order issued under this paragraph if (A) the requirements  
18 of subsection (a) are ultimately satisfied and (B) no  
19 grounds exist under paragraphs (1) or (2) of this sub-  
20 section to suspend the shipment.

21 “(c) The suspension of any exportation of a con-  
22 trolled substance or listed chemical will be subject to the  
23 procedures and requirements established in section  
24 1018(c) of this title.



1       “(d) Any shipment of a controlled substance or listed  
2 chemical which has been imported or is subject to the ju-  
3 risdiction of the United States whose importation, trans-  
4 fer, transshipment or exportation has been suspended  
5 may, in the discretion of the Attorney General, be placed  
6 under seal. No disposition may be made of any such con-  
7 trolled substance or listed chemical until the suspension  
8 order becomes final. However, a court, upon application  
9 therefor, may at any time order the sale of a perishable  
10 controlled substance or listed chemical. Any such order  
11 shall require the deposit of the proceeds of the sale with  
12 the court. Upon a suspension order becoming final, the  
13 shipment may be disposed of as follows, at the discretion  
14 of the Attorney General and subject to such conditions as  
15 the Attorney General may impose:

16           “(1) The title holder may be allowed to return  
17 the shipment to any of the original exporter’s facili-  
18 ties in the country of exportation;

19           “(2) The shipment may be exported, subject to  
20 the requirements of section 1003 or 1018 of this  
21 title, as appropriate, to a new consignee;

22           “(3) The shipment may be surrendered to the  
23 Attorney General for appropriate disposition; all  
24 costs associated with this disposition will be the re-  
25 sponsibility of the title holder, however if there are

1       any proceeds from the disposition, these will be ap-  
2       plied to the repayment of the costs and any excess  
3       proceeds will be returned to the titleholder;

4               “(4) If sufficient cause exists, the shipment of  
5       controlled substances or listed chemicals (or pro-  
6       ceeds of sale deposited in court) may be forfeited to  
7       the United States pursuant to section 511 of title II  
8       and may be disposed of in accordance with that sec-  
9       tion.

10       “(e) Nothing in this section may be used by any party  
11      to defend against a forfeiture action against a shipment  
12      of controlled substances or listed chemicals initiated by the  
13      United States or by any state. This section does not affect  
14      the liability of any party for storage and transportation  
15      costs incurred by the Government as a result of the sus-  
16      pension of a shipment.”.

17       (c) PENALTIES.—Section 1010(d) of the Controlled  
18      Substances Import and Export Act (21 U.S.C. 960(d)) is  
19      amended—

20               (1) by redesignating paragraphs (5), (6) and  
21               (7) as paragraphs (6), (7) and (8);

22               (2) in the redesignated paragraph (6), by strik-  
23               ing “1018(e)(2) or (3)” and inserting “1018(e)(4)  
24               or (5)”;

1           (3) in the redesignated paragraph (7), by in-  
2           serting “or violates section 1004 of this title,” after  
3           “1007 or 1018 of this title”; and

4           (4) by inserting after paragraph (4) a new  
5           paragraph (5) as follows:

6           “(5) imports or exports a listed chemical, with  
7           the intent to evade the reporting or recordkeeping  
8           requirements of section 1018 applicable to such im-  
9           portation or exportation by falsely representing to  
10          the Attorney General that the importation or expor-  
11          tation is not subject to the 15-day advance notifica-  
12          tion required by section 1018(a) or to any reporting  
13          requirements established by the Attorney General  
14          pursuant to section 1018(e) (1), (2) or (3) by mis-  
15          representing the actual country of final destination  
16          of the listed chemical, or the actual listed chemical  
17          being imported or exported; or”.

18          (d) Section 1011 of the Controlled Substances Import  
19          and Export Act (21 U.S.C. 961) is amended to read as  
20          follows:

21          **“§ 1011. Injunctions**

22          “‘In addition to any other applicable penalty, any per-  
23          son convicted of a felony violation of this title or title II  
24          relating to the receipt, distribution, manufacture, importa-  
25          tion or exportation of a listed chemical may be enjoined

1 from engaging in any transaction involving a listed chem-  
 2 ical for not more than ten years.”.

### 3 **Subtitle D—Deterring Cargo Theft**

#### 4 **SEC. 2351. PUNISHMENT OF CARGO THEFT.**

5 (a) IN GENERAL.—Section 659 of title 18, United  
 6 States Code, is amended—

7 (1) by striking “with intent to convert to his  
 8 own use” each place that term appears;

9 (2) in the first undesignated paragraph—

10 (A) by inserting “trailer,” after  
 11 “motortruck,”;

12 (B) by inserting “air cargo container,”  
 13 after “aircraft,”; and

14 (C) by inserting “, or from any intermodal  
 15 container, trailer, container freight station,  
 16 warehouse, or freight consolidation facility,”  
 17 after “air navigation facility”;

18 (3) in the fifth undesignated paragraph, by  
 19 striking “one year” and inserting “3 years”;

20 (4) in the penultimate undesignated paragraph,  
 21 by inserting after the first sentence the following:

22 “For purposes of this section, goods and chattel  
 23 shall be construed to be moving as an interstate or  
 24 foreign shipment at all points between the point of  
 25 origin and the final destination (as evidenced by the

1 waybill or other shipping document of the shipment),  
2 regardless of any temporary stop while awaiting  
3 transshipment or otherwise.”; and

4 (5) by adding at the end the following:

5 “It shall be an affirmative defense (on which the de-  
6 fendant bears the burden of persuasion by a preponder-  
7 ance of the evidence) to an offense under this section that  
8 the defendant bought, received, or possessed the goods,  
9 chattels, money, or baggage at issue with the sole intent  
10 to report the matter to an appropriate law enforcement  
11 officer or to the owner of the goods, chattels, money, or  
12 baggage.”.

13 (b) FEDERAL SENTENCING GUIDELINES.—Pursuant  
14 to section 994 of title 28, United States Code, the United  
15 States Sentencing Commission shall review the Federal  
16 sentencing guidelines under section 659 of title 18, United  
17 States Code, as amended by this section and, upon com-  
18 pletion of the review, promulgate amendments to the Fed-  
19 eral Sentencing Guidelines to provide appropriate en-  
20 hancement of the applicable guidelines.

21 **SEC. 2352. REPORTS TO CONGRESS ON CARGO THEFT.**

22 The Attorney General shall annually submit to Con-  
23 gress a report, which shall include an evaluation of law  
24 enforcement activities relating to the investigation and

1 prosecution of offenses under section 659 of title 18,  
2 United States Code, as amended by this subtitle.

3 **SEC. 2353. ESTABLISHMENT OF ADVISORY COMMITTEE ON**  
4 **CARGO THEFT.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—There is established a Com-  
7 mittee to be known as the Advisory Committee on  
8 Cargo Theft (in this section referred to as the  
9 “Committee”).

10 (2) MEMBERSHIP.—

11 (A) COMPOSITION.—The Committee shall  
12 be composed of 6 members, who shall be ap-  
13 pointed by the President, of whom—

14 (i) 1 shall be an officer or employee of  
15 the Department of Justice;

16 (ii) 1 shall be an officer or employee  
17 of the Department of Transportation;

18 (iii) 1 shall be an officer or employee  
19 of the Department of the Treasury; and

20 (iv) 3 shall be individuals from the  
21 private sector who are experts in cargo se-  
22 curity.

23 (B) DATE.—The appointments of the ini-  
24 tial members of the Committee shall be made

1 not later than 30 days after the date of enact-  
2 ment of this Act.

3 (3) PERIOD OF APPOINTMENT; VACANCIES.—

4 Each member of the Committee shall be appointed  
5 for the life of the Committee. Any vacancy in the  
6 Committee shall not affect its powers, but shall be  
7 filled in the same manner as the original appoint-  
8 ment.

9 (4) INITIAL MEETING.—Not later than 15 days  
10 after the date on which all initial members of the  
11 Committee have been appointed, the Committee shall  
12 hold its first meeting.

13 (5) MEETINGS.—The Committee shall meet,  
14 not less frequently than quarterly, at the call of the  
15 Chairperson.

16 (6) QUORUM.—A majority of the members of  
17 the Committee shall constitute a quorum, but a less-  
18 er number of members may hold hearings.

19 (7) CHAIRPERSON.—The President shall select  
20 1 member of the Committee to serve as the Chair-  
21 person of the Committee.

22 (b) DUTIES.—

23 (1) STUDY.—The Committee shall conduct a  
24 thorough study of, and develop recommendations  
25 with respect to, all matters relating to—

1 (A) the establishment of a national com-  
2 puter database for the collection and dissemina-  
3 tion of information relating to violations of sec-  
4 tion 659 of title 18, United States Code (as  
5 added by section 3801(a) of this title); and

6 (B) the establishment of an office within  
7 the Federal Government to promote cargo secu-  
8 rity and to increase coordination between the  
9 Federal Government and the private sector with  
10 respect to cargo security.

11 (2) REPORT.—Not later than 1 year after the  
12 date of enactment of this Act, the Committee shall  
13 submit to the President and to Congress a report,  
14 which shall contain a detailed statement of results of  
15 the study and the recommendations of the Com-  
16 mittee under paragraph (1).

17 (c) POWERS.—

18 (1) HEARINGS.—The Committee may hold such  
19 hearings, sit and act at such times and places, take  
20 such testimony, and receive such evidence as the  
21 Committee considers advisable to carry out the pur-  
22 poses of this section.

23 (2) INFORMATION FROM FEDERAL AGENCIES.—

24 The Committee may secure directly from any Fed-  
25 eral department or agency such information as the



1 Committee considers necessary to carry out the pro-  
2 visions of this section. Upon request of the Chair-  
3 person of the Committee, the head of such depart-  
4 ment or agency shall furnish such information to the  
5 Committee.

6 (3) POSTAL SERVICES.—The Committee may  
7 use the United States mails in the same manner and  
8 under the same conditions as other departments and  
9 agencies of the Federal Government.

10 (4) GIFTS.—The Committee may accept, use,  
11 and dispose of gifts or donations of services or prop-  
12 erty.

13 (d) PERSONNEL MATTERS.—

14 (1) COMPENSATION OF MEMBERS.—

15 (A) NON-FEDERAL MEMBERS.—Each  
16 member of the Committee who is not an officer  
17 or employee of the Federal Government shall be  
18 compensated at a rate equal to the daily equiva-  
19 lent of the annual rate of basic pay prescribed  
20 for level IV of the Executive Schedule under  
21 section 5315 of title 5, United States Code, for  
22 each day (including travel time) during which  
23 such member is engaged in the performance of  
24 the duties of the Committee.

1           (B) FEDERAL MEMBERS.—Each member  
2           of the Committee who is an officer or employee  
3           of the United States shall serve without com-  
4           pensation in addition to that received for their  
5           service as an officer or employee of the United  
6           States.

7           (2) TRAVEL EXPENSES.—The members of the  
8           Committee shall be allowed travel expenses, includ-  
9           ing per diem in lieu of subsistence, at rates author-  
10          ized for employees of agencies under subchapter I of  
11          chapter 57 of title 5, United States Code, while  
12          away from their homes or regular places of business  
13          in the performance of services for the Committee.

14          (3) STAFF.—

15                (A) IN GENERAL.—The Chairperson of the  
16                Committee may, without regard to the civil  
17                service laws and regulations, appoint and termi-  
18                nate an executive director and such other addi-  
19                tional personnel as may be necessary to enable  
20                the Committee to perform its duties. The em-  
21                ployment of an executive director shall be sub-  
22                ject to confirmation by the Committee.

23                (B) COMPENSATION.—The Chairperson of  
24                the Committee may fix the compensation of the  
25                executive director and other personnel without

1           regard to the provisions of chapter 51 and sub-  
2           chapter III of chapter 53 of title 5, United  
3           States Code, relating to classification of posi-  
4           tions and General Schedule pay rates, except  
5           that the rate of pay for the executive director  
6           and other personnel may not exceed the rate  
7           payable for level V of the Executive Schedule  
8           under section 5316 of such title.

9           (4) DETAIL OF GOVERNMENT EMPLOYEES.—

10          Any Federal Government employee may be detailed  
11          to the Committee without reimbursement, and such  
12          detail shall be without interruption or loss of civil  
13          service status or privilege.

14          (5) PROCUREMENT OF TEMPORARY AND INTER-

15          MITTENT SERVICES.—The Chairperson of the Com-  
16          mittee may procure temporary and intermittent serv-  
17          ices under section 3109(b) of title 5, United States  
18          Code, at rates for individuals which do not exceed  
19          the daily equivalent of the annual rate of basic pay  
20          prescribed for level V of the Executive Schedule  
21          under section 5316 of such title.

22          (e) TERMINATION.—The Committee shall terminate  
23          90 days after the date on which the Committee submits  
24          the report under subsection (b)(2).

25          (f) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—There are authorized to be  
2           appropriated such sums as may be necessary to the  
3           Committee to carry out the purposes of this section.

4           (2) AVAILABILITY.—Any sums appropriated  
5           under the authorization contained in this section  
6           shall remain available, without fiscal year limitation,  
7           until expended.

8 **SEC. 2354. ADDITION OF ATTEMPTED THEFT AND COUN-**  
9 **TERFEITING OFFENSES TO ELIMINATE GAPS**  
10 **AND INCONSISTENCIES IN COVERAGE.**

11       (a) IN GENERAL.—

12           (1) EMBEZZLEMENT AGAINST ESTATE.—Sec-  
13           tion 153(a) of title 18, United States Code, is  
14           amended by inserting “, or attempts so to appro-  
15           priate, embezzle, spend, or transfer,” before “any  
16           property”.

17           (2) PUBLIC MONEY.—Section 641 of title 18,  
18           United States Code, is amended by striking “or” at  
19           the end of the first paragraph and by inserting after  
20           such paragraph the following:

21       “Whoever attempts to commit an offense described in the  
22       preceding paragraph; or”.

23           (3) THEFT BY BANK EXAMINER.—Section 655  
24           of title 18, United States Code, is amended by in-

1       serting “or attempts to steal or so take,” after “un-  
2       lawfully takes,”.

3               (4)       THEFT,       EMBEZZLEMENT,       OR  
4       MISAPPLICATION BY BANK OFFICER OR EM-  
5       PLOYEE.—Sections 656 and 657 of title 18, United  
6       States Code, are each amended—

7               (A) by inserting “, or attempts to embez-  
8       zle, abstract, purloin, or willfully misapply,”  
9       after “willfully misapplies”; and

10              (B) by inserting “or attempted to be em-  
11       bezzled, abstracted, purloined, or misapplied”  
12       after “misapplied”.

13              (5) PROPERTY MORTGAGED OR PLEDGED TO  
14       FARM CREDIT AGENCIES.—Section 658 of title 18,  
15       United States Code, is amended by inserting “or at-  
16       tempts so to remove, dispose of, or convert,” before  
17       “any property”.

18              (6) INTERSTATE OR FOREIGN SHIPMENTS.—  
19       Section 659 of title 18, United States Code, is  
20       amended—

21              (A) in the first and third paragraphs, by  
22       inserting “or attempts to embezzle, steal, or so  
23       take or carry away,” after “carries away,”; and

1 (B) in the fourth paragraph by inserting  
 2 “or attempts to embezzle, steal, or so take,” be-  
 3 fore “from any railroad car”.

4 (7) WITHIN SPECIAL MARITIME AND TERRI-  
 5 TORIAL JURISDICTION.—Section 661 of title 18,  
 6 United States Code, is amended—

7 (A) by inserting “or attempts so to take  
 8 and carry away,” before “any personal prop-  
 9 erty”; and

10 (B) by inserting “or attempted to be  
 11 taken” after “taken” each place it appears.

12 (8) THEFT OR EMBEZZLEMENT FROM EM-  
 13 PLOYEE BENEFIT PLANS.—Section 664 of title 18,  
 14 United States Code, is amended by inserting “or at-  
 15 tempts to embezzle, steal, or so abstract or convert,”  
 16 before “any of the moneys”.

17 (9) THEFT OR EMBEZZLEMENT FROM EMPLOY-  
 18 MENT AND TRAINING FUNDS.—Section 665(a) of  
 19 title 18, United States Code, is amended—

20 (A) by inserting “, or attempts to embez-  
 21 zle, so misapply, steal, or obtain by fraud,” be-  
 22 fore “any of the moneys”; and

23 (B) by inserting “or attempted to be em-  
 24 bezzled, misapplied, stolen, or obtained by  
 25 fraud” after “obtained by fraud”.

1           (10) THEFT OR BRIBERY CONCERNING PRO-  
 2           GRAMS RECEIVING FEDERAL FUNDS.—Section  
 3           666(a)(1)(A) of title 18, United States Code, is  
 4           amended by inserting “or attempts to embezzle,  
 5           steal, obtain by fraud, or so convert or misapply,”  
 6           before “property”.

7           (11) FALSE PRETENSES ON HIGH SEAS.—Sec-  
 8           tion 1025 of title 18, United States Code, is  
 9           amended—

10                   (A) by inserting “or attempts to obtain”  
 11                   after “obtains”; and

12                   (B) by inserting “or attempted to be ob-  
 13                   tained” after “obtained”.

14           (12) EMBEZZLEMENT AND THEFT FROM IN-  
 15           DIAN TRIBAL ORGANIZATIONS.—Section 1163 of title  
 16           18, United States Code, is amended by inserting  
 17           “attempts so to embezzle, steal, convert, or mis-  
 18           apply,” after “willfully misapplies,”.

19           (13) THEFT FROM GROUP ESTABLISHMENTS ON  
 20           INDIAN LANDS.—Section 1167 (a) and (b) of title  
 21           18, United States Code, are each amended by insert-  
 22           ing “or attempts so to abstract, purloin, misapply,  
 23           or take and carry away,” before “any money”.

24           (14) THEFT BY OFFICERS AND EMPLOYEES OF  
 25           GAMING ESTABLISHMENTS ON INDIAN LANDS.—Sec-

tion 1168 (a) and (b) of title 18, United States Code, are each amended by inserting “or attempts so to embezzle, abstract, purloin, misapply, or take and carry away,” before “any moneys,”.

(15) THEFT OF PROPERTY USED BY THE POSTAL SERVICE.—Section 1707 of title 18, United States Code, is amended by inserting “, or attempts to steal, purloin, or embezzle,” before “any property” and by inserting “or attempts to appropriate” after “appropriates”.

(16) THEFT IN RECEIPT OF STOLEN MAIL MATTER.—Section 1708 of title 18, United States Code, is amended in the second paragraph by inserting “or attempts to steal, take, or abstract,” after “abstracts,” and by inserting “, or attempts so to obtain,” after “obtains”.

(17) THEFT OF MAIL MATTER BY OFFICER OR EMPLOYEE.—Section 1709 of title 18, United States Code, is amended—

(A) by inserting “or attempts to embezzle” after “embezzles”; and

(B) by inserting “, or attempts to steal, abstract, or remove,” after “removes”.

(18) MISAPPROPRIATION OF POSTAL FUNDS.—Section 1711 of title 18, United States Code, is



1 amended by inserting “or attempts to loan, use,  
2 pledge, hypothecate, or convert to his own use,”  
3 after “use”.

4 (19) BANK ROBBERY AND INCIDENTAL  
5 CRIMES.—Section 2113(b) of title 18, United States  
6 Code, is amended by inserting “or attempts so to  
7 take and carry away,” before “any property” each  
8 place it appears.

9 (b) SECURITIES CRIMES.—

10 (1) POSSESSION OF TOOLS.—Section 477 of  
11 title 18, United States Code, is amended by insert-  
12 ing “, or attempts so to sell, give, or deliver,” before  
13 “any such imprint”.

14 (2) UTTERING COUNTERFEIT FOREIGN OBLIGA-  
15 TIONS OR SECURITIES.—Section 479 of title 18,  
16 United States Code, is amended by inserting “or at-  
17 tempts to utter or pass,” after “passes,”.

18 (3) MINOR COINS.—Section 490 of title 18,  
19 United States Code, is amended by inserting “at-  
20 tempts to pass, utter, or sell,” before “or possesses”.

21 (4) SECURITIES OF STATES AND PRIVATE ENTI-  
22 TIES.—Section 513(a) of title 18, United States  
23 Code, is amended by inserting “or attempts to  
24 utter,” after “utters”.

1 **SEC. 2355. CLARIFICATION OF SCIENTER REQUIREMENT**  
 2 **FOR RECEIVING PROPERTY STOLEN FROM**  
 3 **AN INDIAN TRIBAL ORGANIZATION.**

4 Section 1163 of title 18, United States Code, is  
 5 amended in the second paragraph by striking “so”.

6 **SEC. 2356. LARCENY INVOLVING POST OFFICE BOXES AND**  
 7 **POSTAL STAMP VENDING MACHINES.**

8 Section 2115 of title 18, United States Code, is  
 9 amended—

10 (1) by striking “or” before “any building”;

11 (2) by inserting “or any post office box or post-  
 12 al stamp vending machine for the sale of stamps  
 13 owned by the Postal Service,” after “used in whole  
 14 or in part as a post office,”; and

15 (3) by inserting “or in such box or machine,”  
 16 after “so used”.

17 **SEC. 2357. EXPANSION OF FEDERAL THEFT OFFENSES TO**  
 18 **COVER THEFT OF VESSELS.**

19 (a) VESSEL DEFINED.—Section 2311 of title 18,  
 20 United States Code, is amended by adding at the end the  
 21 following:

22 “‘Vessel’ means any watercraft or other contrivance  
 23 used or designed for transportation or navigation on,  
 24 under, or immediately above, water.”.

25 (b) TRANSPORTATION OF STOLEN VEHICLES; SALE  
 26 OR RECEIPT OF STOLEN VEHICLES.—Sections 2312 and

1 2313 of title 18, United States Code, are each amended  
 2 by striking “motor vehicle or aircraft” and inserting  
 3 “motor vehicle, vessel, or aircraft”.

## 4           **Subtitle E—Improvements to** 5           **Federal Criminal Law**

### 6           **PART 1—SENTENCING IMPROVEMENTS**

#### 7   **SEC. 2411. APPLICATION OF SENTENCING GUIDELINES TO** 8           **ALL PERTINENT STATUTES.**

9           Section 994(a) of title 28, United States Code, is  
 10 amended by striking “consistent with all pertinent provi-  
 11 sions of this title and title 18, United States Code,” and  
 12 inserting “consistent with all pertinent provisions of any  
 13 Federal statute”.

#### 14   **SEC. 2412. DOUBLING MAXIMUM PENALTY FOR VOLUNTARY** 15           **MANSLAUGHTER.**

16           Section 1112(b) of title 18, United States Code, is  
 17 amended by striking “ten years” and inserting “20  
 18 years”.

#### 19   **SEC. 2413. AUTHORIZATION OF IMPOSITION OF BOTH A** 20           **FINE AND IMPRISONMENT RATHER THAN** 21           **ONLY EITHER PENALTY IN CERTAIN OF-** 22           **FENSES.**

23           (a) POWER OF COURT.—Section 401 of title 18,  
 24 United States Code, is amended by inserting “or both,”  
 25 after “fine or imprisonment,”.

1 (b) DESTRUCTION OF LETTER BOXES OR MAIL.—  
 2 Section 1705 of title 18, United States Code, is amended  
 3 by inserting “, or both” after “years”.

4 (c) OTHER SECTIONS.—Sections 1916, 2234, and  
 5 2235 of title 18, United States Code, are each amended  
 6 by inserting “, or both” after “year”.

7 **SEC. 2414. ADDITION OF SUPERVISED RELEASE VIOLATION**  
 8 **AS PREDICATES FOR CERTAIN OFFENSES.**

9 (a) IN GENERAL.—Sections 1512(a)(1)(C),  
 10 1512(b)(3), 1512(c)(2), 1513(a)(1)(B), and 1513(b)(2)  
 11 are each amended by striking “violation of conditions of  
 12 probation, parole or release pending judicial proceedings”  
 13 and inserting “violation of conditions of probation, super-  
 14 vised release, parole, or release pending judicial pro-  
 15 ceedings”.

16 (b) RELEASE OR DETENTION OF DEFENDANT PEND-  
 17 ING TRIAL.—Section 3142 of title 18, United States Code,  
 18 is amended—

19 (1) in subsection (d)(1)(A)(iii), by inserting “,  
 20 supervised release,” after “probation”; and

21 (2) in subsection (g)(3)(B), by inserting “or su-  
 22 pervised release” after “probation”.

1 **SEC. 2415. AUTHORITY OF COURT TO IMPOSE A SENTENCE**  
 2 **OF PROBATION OR SUPERVISED RELEASE**  
 3 **WHEN REDUCING A SENTENCE OF IMPRISON-**  
 4 **MENT IN CERTAIN CASES.**

5 Section 3582(c)(1)(A) of title 18, United States  
 6 Code, is amended by inserting “(and may impose a sen-  
 7 tence of probation or supervised release with or without  
 8 conditions)” after “may reduce the term of imprison-  
 9 ment”.

10 **SEC. 2416. ELIMINATION OF PROOF OF VALUE REQUIRE-**  
 11 **MENT FOR FELONY THEFT OR CONVERSION**  
 12 **OF GRAND JURY MATERIAL.**

13 Section 641 of title 18, United States Code, is  
 14 amended by striking “but if the value of such property  
 15 does not exceed the sum of \$1,000, he” and inserting “but  
 16 if the value of such property, other than property consti-  
 17 tuting ‘matters occurring before the grand jury’ within the  
 18 meaning of Rule 6(e) of the Federal Rules of Criminal  
 19 Procedure, does not exceed the sum of \$1,000,”.

20 **SEC. 2417. INCREASED MAXIMUM CORPORATE PENALTY**  
 21 **FOR ANTITRUST VIOLATIONS.**

22 (a) RESTRAINT OF TRADE AMONG THE STATES.—  
 23 Section 1 of the Sherman Act (15 U.S.C. 1) is amended  
 24 by striking “\$10,000,000” and inserting “\$100,000,000”.

1 (b) MONOPOLIZING TRADE.—Section 2 of the Sher-  
 2 man Act (15 U.S.C. 2) is amended by striking  
 3 “\$10,000,000” and inserting “\$100,000,000”.

4 (c) OTHER RESTRAINTS.—Section 3 of the Sherman  
 5 Act (15 U.S.C. 3) is amended by striking “\$10,000,000”  
 6 and inserting “\$100,000,000”.

7 **SEC. 2418. AMENDMENT OF FEDERAL SENTENCING GUIDE-**  
 8 **LINES FOR COUNTERFEIT BEARER OBLIGA-**  
 9 **TIONS OF THE UNITED STATES.**

10 (a) IN GENERAL.—Pursuant to its authority under  
 11 section 994(p) of title 28, United States Code, the United  
 12 States Sentencing Commission shall review and if appro-  
 13 priate, amend the Federal sentencing guidelines generally  
 14 to enhance the penalty for offenses involving counterfeit  
 15 bearer obligation of the United States.

16 (b) FACTORS FOR CONSIDERATION.—In carrying out  
 17 this section, the Commission shall consider, with respect  
 18 to the offenses described in subsection (a)—

19 (1) whether the base offense level in the current  
 20 guidelines is adequate to address the serious nature  
 21 of these offenses and the public interest in pro-  
 22 tecting the integrity of United States currency, espe-  
 23 cially in light of recent technological advancements  
 24 in counterfeiting methods that decrease the cost and

1       increase the availability of such counterfeiting meth-  
2       ods to criminals;

3           (2) whether the current specific offense char-  
4       acteristic applicable to manufacturing counterfeit ob-  
5       ligations fails to take into account the range of of-  
6       fenses in this category; and

7           (3) any other factor that the Commission con-  
8       siders to be appropriate.

9       (c) EMERGENCY AUTHORITY TO SENTENCING COM-  
10   MISSION.—The Commission shall promulgate the guide-  
11   lines or amendments provided for under this section as  
12   soon as is practicable in accordance with the procedure  
13   set forth in section 21(a) of the Sentencing Act of 1987,  
14   as though the authority under that Act had not expired.

15       **PART 2—ADDITIONAL IMPROVEMENTS TO**  
16       **FEDERAL CRIMINAL LAW**

17   **SEC. 2421. VIOLENCE DIRECTED AT DWELLINGS IN INDIAN**  
18       **COUNTRY.**

19       Section 1153(a) of title 18, United States Code, is  
20   amended by inserting “or 1363” after “section 661”.

21   **SEC. 2422. CORRECTIONS TO AMBER HAGERMAN CHILD**  
22       **PROTECTION ACT.**

23       (a) AGGRAVATED SEXUAL ABUSE.—Section 2241(c)  
24   of title 18, United States Code, is amended by striking

1 “younger than that person” and inserting “younger than  
2 the person so engaging”.

3 (b) SEXUAL ABUSE OF A MINOR OR WARD.—Section  
4 2243(a) of title 18, United States Code, is amended—

5 (1) by striking “Whoever” and inserting “Ex-  
6 cept as provided in section 2241(c) of this title, who-  
7 ever”; and

8 (2) by striking “crosses a State line with intent  
9 to engage in a sexual act with a person who has not  
10 attained the age of 12 years, or”.

11 (c) DEFINITIONS.—Section 2246 of title 18, United  
12 States Code, is amended—

13 (1) in paragraph (4), by striking the period and  
14 inserting a semicolon;

15 (2) in paragraph (5), by striking the period and  
16 inserting “; and”; and

17 (3) by adding at the end the following:

18 “(6) the term ‘State’ means a State of the  
19 United States, the District of Columbia, and any  
20 commonwealth, possession, or territory of the United  
21 States.”.



1 **SEC. 2423. ELIMINATION OF “BODILY HARM” ELEMENT IN**  
 2 **ASSAULT WITH A DANGEROUS WEAPON OF-**  
 3 **FENSE.**

4 Section 113(a)(3) of title 18, United States Code, is  
 5 amended by striking “with intent to do bodily harm, and”.

6 **SEC. 2424. APPEALS FROM CERTAIN DISMISSALS.**

7 Section 3731 of title 18, United States Code, is  
 8 amended by inserting “or any part thereof” after “as to  
 9 any one or more counts”.

10 **SEC. 2425. AUTHORITY FOR INJUNCTION AGAINST DIS-**  
 11 **POSAL OF ILL-GOTTEN GAINS FROM VIOLA-**  
 12 **TIONS OF FRAUD STATUTES.**

13 Section 1345(a)(2) of title 18, United States Code,  
 14 is amended by inserting “violation of this chapter or sec-  
 15 tion 287, 371 (insofar as such violation involves a con-  
 16 spiracy to defraud the United States or any agency there-  
 17 of), or 1001 of this title or of a” after “as a result of  
 18 a”.

19 **SEC. 2426. EXPANSION OF INTERSTATE TRAVEL FRAUD**  
 20 **STATUTE TO COVER INTERSTATE TRAVEL BY**  
 21 **PERPETRATOR.**

22 Section 2314 of title 18, United States Code, is  
 23 amended in the second undesignated paragraph—

24 (1) by inserting “travels in,” before “transports  
 25 or causes to be transported, or induce any person or  
 26 persons to travel in”; and

1 (2) by inserting a comma after “transports”.

2 **SEC. 2427. CLARIFICATION OF SCOPE OF UNAUTHORIZED**  
3 **SELLING OF MILITARY MEDALS OR DECORA-**  
4 **TIONS.**

5 Section 704(b)(2) of title 18, United States Code, is  
6 amended by striking “with respect to a Congressional  
7 Medal of Honor”.

8 **SEC. 2428. AMENDMENT TO SECTION 669 TO CONFORM TO**  
9 **PUBLIC LAW 104-294.**

10 Section 669 of title 18, United States Code, is  
11 amended by striking “\$100” and inserting “\$1,000”.

12 **SEC. 2429. EXPANSION OF JURISDICTION OVER CHILD BUY-**  
13 **ING AND SELLING OFFENSES.**

14 Section 2251A(c)(3) of title 18, United States Code,  
15 is amended by striking “in any territory or possession of  
16 the United States” and inserting “in the special maritime  
17 and territorial jurisdiction of the United States or in any  
18 commonwealth, territory, or possession of the United  
19 States”.

20 **SEC. 2430. LIMITS ON DISCLOSURE OF WIRETAP ORDERS.**

21 Section 2518(9) of title 18, United States Code, is  
22 amended by inserting “aggrieved” before the word  
23 “party” wherever it appears.

1 **SEC. 2431. PRISON CREDIT AND AGING PRISONER REFORM.**

2 (a) PRISON CREDITS IN GENERAL.—Section 3585(b)  
3 of title 18, United States Code, is amended to read as  
4 follows:

5 “(b) CREDIT FOR PRIOR CUSTODY.—A defendant  
6 shall be given credit toward the service of a term of impris-  
7 onment for any time spent in official detention prior to  
8 the date the sentence commences only if that official de-  
9 tention is as a result of the offense for which the sentence  
10 was imposed and has not been—

11 “(1) credited toward another sentence; or

12 “(2) applied in any manner to an undischarged  
13 concurrent term of imprisonment.”.

14 (b) GOOD TIME CREDITS FOR FOREIGN PRISONERS  
15 TRANSFERRED TO THE UNITED STATES.—Section  
16 4105(c) of title 18, United States Code, is amended—

17 (1) in paragraph (1), by inserting “by the Bu-  
18 reau of Prisons and deducted from the sentence im-  
19 posed by the foreign court” after “These credits  
20 shall be combined”;

21 (2) by redesignating paragraphs (3) and (4) as  
22 paragraphs (5) and (6), respectively; and

23 (3) by inserting after paragraph (2) the fol-  
24 lowing:

25 “(3) If the term of imprisonment under section  
26 4106A(b)(1)(A) is less than or equal to the total

1 sentence imposed and certified by the foreign au-  
2 thorities on the basis of considerations other than  
3 the limitation arising under section 4106A(b)(1)(C),  
4 the Bureau of Prisons shall calculate credits for sat-  
5 isfactory behavior at the rate provided in section  
6 3624(b) and computed on the basis of the term of  
7 imprisonment under section 4106A(b)(1)(A). If the  
8 credits calculated under this paragraph produce a  
9 release date that is earlier than the release date oth-  
10 erwise determined under this section, the release  
11 date calculated under this paragraph shall apply to  
12 the transferred offender.

13 “(4) Upon release from imprisonment, the of-  
14 fender shall commence service of any period of su-  
15 pervised release established pursuant to section  
16 4106A(b)(1)(A), and the balance of the foreign sen-  
17 tence remaining at the time of release from prison  
18 shall not be reduced by credits for satisfactory be-  
19 havior, or labor, or any other credit that has been  
20 applied to establish the offender’s release date.”.

21 (c) CONFORMING AMENDMENT.—Section  
22 4106A(b)(1)(A) of title 18, United States Code, is amend-  
23 ed by striking “release date” and inserting “term of im-  
24 prisonment”.

1 (d) EXPANSION OF PROVISION ALLOWING FOR RE-  
 2 LEASE OF NONDANGEROUS OFFENDERS WHO HAVE  
 3 SERVED AT LEAST 30 YEARS IN PRISON AND ARE AT  
 4 LEAST 70 YEARS OLD.—Section 3582(c)(1)(A) of title  
 5 18, United States Code, is amended—

6 (1) by inserting “(and may impose a sentence  
 7 of probation or supervised release with or without  
 8 conditions)” after “may reduce the term of impris-  
 9 onment”;

10 (2) in subparagraph (ii), by inserting “(other  
 11 than an offense or offenses under chapter 109A of  
 12 this title)” after “the offense or offenses”; and

13 (3) in subparagraph (ii), by striking “, pursu-  
 14 ant to a sentence imposed under section 3559(c),”.

15 **SEC. 2432. MIRANDA REAFFIRMATION.**

16 Section 3501 of title 18, United States Code, is  
 17 amended—

18 (1) by striking subsections (a) and (b); and

19 (2) by redesignating subsections (c), (d), and  
 20 (e) as subsections (a), (b), and (c), respectively.

1 **TITLE III—PROTECTING AMERI-**  
 2 **CANS AND SUPPORTING VIC-**  
 3 **TIMS OF CRIME**

4 **Subtitle A—Crime Victims**  
 5 **Assistance**

6 **SEC. 3101. SHORT TITLE.**

7 This subtitle may be cited as the “Crime Victims As-  
 8 sistance Act of 2001”.

9 **PART 1—VICTIM RIGHTS**

10 **SEC. 3111. RIGHT TO NOTICE AND TO BE HEARD CON-**  
 11 **CERNING DETENTION.**

12 (a) IN GENERAL.—Section 3142 of title 18, United  
 13 States Code, is amended—

14 (1) in subsection (g)—

15 (A) in paragraph (3), by striking “and” at  
 16 the end;

17 (B) by redesignating paragraph (4) as  
 18 paragraph (5); and

19 (C) by inserting after paragraph (3) the  
 20 following:

21 “(4) the views of the victim; and”; and

22 (2) by adding at the end the following:

23 “(k) NOTICE AND RIGHT TO BE HEARD.—

24 “(1) IN GENERAL.—Subject to paragraph (2),  
 25 with respect to each hearing under subsection (f)—

1           “(A) before the hearing, the Government  
2           shall make reasonable efforts to notify the vic-  
3           tim of—

4                   “(i) the date and time of the hearing;  
5                   and

6                   “(ii) the right of the victim to be  
7                   heard on the issue of detention; and

8           “(B) at the hearing, the court shall inquire  
9           of the Government whether the victim wishes to  
10          be heard on the issue of detention and, if so,  
11          shall afford the victim such an opportunity.

12          “(2) EXCEPTIONS.—The requirements of para-  
13          graph (1) shall not apply to any case in which the  
14          Government or the court reasonably believes—

15                   “(A) available evidence raises a significant  
16                   expectation of physical violence or other retalia-  
17                   tion by the victim against the defendant; or

18                   “(B) identification of the defendant by the  
19                   victim is a fact in dispute, and no means of  
20                   verification has been attempted.”.

21          (b) VICTIM DEFINED.—Section 3156(a) of title 18,  
22          United States Code, is amended—

23                   (1) in paragraph (4), by striking “and” at the  
24                   end;

1           (2) in paragraph (5), by striking the period at  
2           the end and inserting “; and”; and

3           (3) by adding at the end the following:

4           “(6) the term ‘victim’—

5                   “(A) means an individual harmed as a re-  
6                   sult of a commission of an offense involving  
7                   death or bodily injury to any person, a threat  
8                   of death or bodily injury to any person, a sexual  
9                   assault, or an attempted sexual assault; and

10           “(B) includes—

11                   “(i) in the case of a victim who is less  
12                   than 18 years of age or incompetent, the  
13                   parent or legal guardian of the victim;

14                   “(ii) in the case of a victim who is de-  
15                   ceased or incapacitated, 1 or more family  
16                   members designated by the court; and

17                   “(iii) any other person appointed by  
18                   the court to represent the victim.”.

19 **SEC. 3112. RIGHT TO A SPEEDY TRIAL.**

20           Section 3161(h)(8)(B) of title 18, United States  
21 Code, is amended by adding at the end the following:

22                   “(v) The interests of the victim (or the family  
23                   of a victim who is deceased or incapacitated) in the  
24                   prompt and appropriate disposition of the case, free  
25                   from unreasonable delay.”.



1 **SEC. 3113. RIGHT TO NOTICE AND TO BE HEARD CON-**  
 2 **CERNING PLEA.**

3 (a) IN GENERAL.—Rule 11 of the Federal Rules of  
 4 Criminal Procedure is amended—

5 (1) by redesignating subdivision (h) as subdivi-  
 6 sion (i); and

7 (2) by inserting after subdivision (g) the fol-  
 8 lowing:

9 “(h) RIGHTS OF VICTIMS.—

10 “(1) VICTIM DEFINED.—In this subdivision, the  
 11 term ‘victim’ means an individual harmed as a result  
 12 of a commission of an offense involving death or  
 13 bodily injury to any person, a threat of death or  
 14 bodily injury to any person, a sexual assault, or an  
 15 attempted sexual assault, and also includes—

16 “(A) in the case of a victim who is less  
 17 than 18 years of age or incompetent, the parent  
 18 or legal guardian of the victim;

19 “(B) in the case of a victim who is de-  
 20 ceased or incapacitated, 1 or more family mem-  
 21 bers designated by the court; and

22 “(C) any other person appointed by the  
 23 court to represent the victim.

24 “(2) NOTICE.—The Government, before a pro-  
 25 ceeding at which a plea of guilty or nolo contendere

1 is entered, shall make reasonable efforts to notify  
2 the victim of—

3 “(A) the date and time of the proceeding;

4 “(B) the elements of the proposed plea or  
5 plea agreement;

6 “(C) the right of the victim to attend the  
7 proceeding; and

8 “(D) the right of the victim to address the  
9 court personally, through counsel, or in writing  
10 on the issue of the proposed plea or plea agree-  
11 ment.

12 “(3) OPPORTUNITY TO BE HEARD.—The court,  
13 before accepting a plea of guilty or nolo contendere,  
14 shall afford the victim an opportunity to be heard,  
15 personally, through counsel, or in writing, on the  
16 proposed plea or plea agreement.

17 “(4) EXCEPTIONS.—Notwithstanding any other  
18 provision of this subdivision—

19 “(A) in any case in which a victim is a de-  
20 fendant in the same or a related case, or in  
21 which the Government certifies to the court  
22 under seal that affording such victim any right  
23 provided under this rule will jeopardize an on-  
24 going investigation, the victim shall not have  
25 such right;

1           “(B) a victim who, at the time of a pro-  
2           ceeding at which a plea of guilty or nolo  
3           contendere is entered, is incarcerated in any  
4           Federal, State, or local correctional or detention  
5           facility, shall not have the right to appear in  
6           person, but, subject to subparagraph (A), shall  
7           be afforded a reasonable opportunity to present  
8           views or participate by alternate means; and

9           “(C) in any case involving more than 15  
10          victims, the court, after consultation with the  
11          Government and the victims, may appoint a  
12          number of victims to represent the interests of  
13          the victims, except that all victims shall retain  
14          the right to submit a written statement under  
15          paragraph (2).”.

16       (b) EFFECTIVE DATE.—

17           (1) IN GENERAL.—The amendments made by  
18          subsection (a) shall become effective as provided in  
19          paragraph (3).

20           (2) ACTION BY JUDICIAL CONFERENCE.—

21           (A) RECOMMENDATIONS.—Not later than  
22          180 days after the date of enactment of this  
23          Act, the Judicial Conference of the United  
24          States shall submit to Congress a report con-  
25          taining recommendations for amending the

1 Federal Rules of Criminal Procedure to provide  
2 enhanced opportunities for victims to be heard  
3 on the issue of whether or not the court should  
4 accept a plea of guilty or nolo contendere.

5 (B) INAPPLICABILITY OF OTHER LAW.—  
6 Chapter 131 of title 28, United States Code,  
7 does not apply to any recommendation made by  
8 the Judicial Conference of the United States  
9 under this paragraph.

10 (3) CONGRESSIONAL ACTION.—Except as other-  
11 wise provided by law, if the Judicial Conference of  
12 the United States—

13 (A) submits a report in accordance with  
14 paragraph (2) containing recommendations de-  
15 scribed in that paragraph, and those rec-  
16 ommendations are the same as the amendments  
17 made by subsection (a), then the amendments  
18 made by subsection (a) shall become effective  
19 30 days after the date on which the rec-  
20 ommendations are submitted to Congress under  
21 paragraph (2);

22 (B) submits a report in accordance with  
23 paragraph (2) containing recommendations de-  
24 scribed in that paragraph, and those rec-  
25 ommendations are different in any respect from

1 the amendments made by subsection (a), the  
2 recommendations made pursuant to paragraph  
3 (2) shall become effective 180 days after the  
4 date on which the recommendations are sub-  
5 mitted to Congress under paragraph (2), unless  
6 an Act of Congress is passed overturning the  
7 recommendations; and

8 (C) fails to comply with paragraph (2), the  
9 amendments made by subsection (a) shall be-  
10 come effective 360 days after the date of enact-  
11 ment of this Act.

12 (4) APPLICATION.—Any amendment made pur-  
13 suant to this section (including any amendment  
14 made pursuant to the recommendations of the Judi-  
15 cial Conference of the United States under para-  
16 graph (2)) shall apply in any proceeding commenced  
17 on or after the effective date of the amendment.

18 **SEC. 3114. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.**

19 (a) AMENDMENT TO VICTIM RIGHTS CLARIFICATION  
20 ACT.—Section 3510 of title 18, United States Code, is  
21 amended by adding at the end the following:

22 “(d) APPLICATION TO TELEVISED PROCEEDINGS.—  
23 This section applies to any victim viewing proceedings pur-  
24 suant to section 235 of the Antiterrorism and Effective

1 Death Penalty Act of 1996 (42 U.S.C. 10608), or any  
2 rule issued thereunder.”.

3 (b) AMENDMENT TO VICTIMS’ RIGHTS AND RESTITU-  
4 TION ACT OF 1990.—Section 502(b) of the Victims’  
5 Rights and Restitution Act of 1990 (42 U.S.C. 10606(b))  
6 is amended—

7 (1) by striking paragraph (4) and inserting the  
8 following:

9 “(4) The right to be present at all public court  
10 proceedings related to the offense, unless the court  
11 determines that testimony by the victim at trial  
12 would be materially affected if the victim heard the  
13 testimony of other witnesses.”; and

14 (2) in paragraph (5), by striking “attorney”  
15 and inserting “the attorney”.

16 **SEC. 3115. RIGHT TO NOTICE AND TO BE HEARD CON-**  
17 **CERNING SENTENCE.**

18 (a) ENHANCED NOTICE AND CONSIDERATION OF  
19 VICTIMS’ VIEWS.—

20 (1) IMPOSITION OF SENTENCE.—Section  
21 3553(a) of title 18, United States Code, is  
22 amended—

23 (A) in paragraph (6), by striking “and” at  
24 the end;

1 (B) by redesignating paragraph (7) as  
2 paragraph (8); and

3 (C) by inserting after paragraph (6) the  
4 following:

5 “(7) the views of any victims of the offense, if  
6 such views are presented to the court; and”.

7 (2) ISSUANCE AND ENFORCEMENT OF ORDER  
8 OF RESTITUTION.—Section 3664(d)(2)(A) of title  
9 18, United States Code is amended—

10 (A) by redesignating clauses (v) and (vi) as  
11 clauses (vii) and (viii) respectively; and

12 (B) by inserting after clause (iv) the fol-  
13 lowing:

14 “(v) the opportunity of the victim to attend the  
15 sentencing hearing;

16 “(vi) the opportunity of the victim, personally  
17 or through counsel, to make a statement or present  
18 any information to the court in relation to the sen-  
19 tence;”.

20 (b) ENHANCED PARTICIPATORY RIGHTS.—Rule 32  
21 of the Federal Rules of Criminal Procedure is amended—

22 (1) in subdivision (b)—

23 (A) by redesignating paragraphs (4), (5),  
24 and (6) as paragraphs (5), (6), and (7), respec-  
25 tively;

1 (B) by inserting after paragraph (3) the  
2 following:

3 “(4) NOTICE TO VICTIM.—The probation officer  
4 must, before submitting the presentence report, pro-  
5 vide notice to the victim as provided by section  
6 3664(d)(2)(A) of title 18, United States Code.”; and

7 (C) in paragraph (5), as redesignated—

8 (i) by redesignating subparagraphs  
9 (E) through (H) as subparagraphs (F)  
10 through (I), respectively; and

11 (ii) by inserting after subparagraph  
12 (D) the following:

13 “(E) any victim impact statement sub-  
14 mitted by a victim to the probation officer;”;

15 (2) in subdivision (c)(3), by striking subpara-  
16 graph (E) and inserting the following:

17 “(E) afford the victim, personally or  
18 through counsel, an opportunity to make a  
19 statement or present any information in rela-  
20 tion to the sentence, including information con-  
21 cerning the extent and scope of the victim’s in-  
22 jury or loss, and the impact of the offense on  
23 the victim or the family of the victim, except  
24 that the court may reasonably limit the number  
25 of victims permitted to address the court if the



1 number is so large that affording each victim  
2 such right would result in cumulative victim im-  
3 pact information or would unreasonably prolong  
4 the sentencing process.”; and

5 (3) in subdivision (f)(1)—

6 (A) by striking “the right of allocution  
7 under subdivision (c)(3)(E)” and inserting “the  
8 notice and participatory rights under subdivi-  
9 sions (b)(4) and (c)(3)(E)”;

10 (B) by striking “if such person or persons  
11 are present at the sentencing hearing, regard-  
12 less of whether the victim is present;”.

13 (c) EFFECTIVE DATE.—

14 (1) IN GENERAL.—The amendments made by  
15 subsection (b) shall become effective as provided in  
16 paragraph (3).

17 (2) ACTION BY JUDICIAL CONFERENCE.—

18 (A) RECOMMENDATIONS.—Not later than  
19 180 days after the date of enactment of this  
20 Act, the Judicial Conference of the United  
21 States shall submit to Congress a report con-  
22 taining recommendations for amending the  
23 Federal Rules of Criminal Procedure to provide  
24 enhanced opportunities for victims to partici-

1           pate during the presentencing and sentencing  
2           phase of the criminal process.

3           (B) INAPPLICABILITY OF OTHER LAW.—  
4           Chapter 131 of title 28, United States Code,  
5           does not apply to any recommendation made by  
6           the Judicial Conference of the United States  
7           under this paragraph.

8           (3) CONGRESSIONAL ACTION.—Except as other-  
9           wise provided by law, if the Judicial Conference of  
10          the United States—

11          (A) submits a report in accordance with  
12          paragraph (2) containing recommendations de-  
13          scribed in that paragraph, and those rec-  
14          ommendations are the same as the amendments  
15          made by subsection (b), then the amendments  
16          made by subsection (b) shall become effective  
17          30 days after the date on which the rec-  
18          ommendations are submitted to Congress under  
19          paragraph (2);

20          (B) submits a report in accordance with  
21          paragraph (2) containing recommendations de-  
22          scribed in that paragraph, and those rec-  
23          ommendations are different in any respect from  
24          the amendments made by subsection (b), the  
25          recommendations made pursuant to paragraph

(2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

**SEC. 3116. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE ADJUSTMENT.**

(a) IN GENERAL.—Rule 32.1(a) of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

“(3) NOTICE TO VICTIM.—At any hearing pursuant to paragraph (2) involving 1 or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual as-

1       sault, or an attempted sexual assault, the Govern-  
2       ment shall make reasonable efforts to notify the vic-  
3       tim of the offense (and the victim of any new  
4       charges giving rise to the hearing), of—

5               “(A) the date and time of the hearing; and

6               “(B) the right of the victim to attend the  
7       hearing and to address the court regarding  
8       whether the terms or conditions of probation or  
9       supervised release should be modified.”.

10       (b) EFFECTIVE DATE.—

11               (1) IN GENERAL.—The amendment made by  
12       subsection (a) shall become effective as provided in  
13       paragraph (3).

14               (2) ACTION BY JUDICIAL CONFERENCE.—

15               (A) RECOMMENDATIONS.—Not later than  
16       180 days after the date of enactment of this  
17       Act, the Judicial Conference of the United  
18       States shall submit to Congress a report con-  
19       taining recommendations for amending the  
20       Federal Rules of Criminal Procedure to ensure  
21       that reasonable efforts are made to notify vic-  
22       tims of violent offenses of any revocation hear-  
23       ing held pursuant to Rule 32.1(a)(2), and to af-  
24       ford such victims an opportunity to participate.

1 (B) INAPPLICABILITY OF OTHER LAW.—  
2 Chapter 131 of title 28, United States Code,  
3 does not apply to any recommendation made by  
4 the Judicial Conference of the United States  
5 under this paragraph.

6 (3) CONGRESSIONAL ACTION.—Except as other-  
7 wise provided by law, if the Judicial Conference of  
8 the United States—

9 (A) submits a report in accordance with  
10 paragraph (2) containing recommendations de-  
11 scribed in that paragraph, and those rec-  
12 ommendations are the same as the amendment  
13 made by subsection (a), then the amendment  
14 made by subsection (a) shall become effective  
15 30 days after the date on which the rec-  
16 ommendations are submitted to Congress under  
17 paragraph (2);

18 (B) submits a report in accordance with  
19 paragraph (2) containing recommendations de-  
20 scribed in that paragraph, and those rec-  
21 ommendations are different in any respect from  
22 the amendment made by subsection (a), the rec-  
23 ommendations made pursuant to paragraph (2)  
24 shall become effective 180 days after the date  
25 on which the recommendations are submitted to

1 Congress under paragraph (2), unless an Act of  
 2 Congress is passed overturning the rec-  
 3 ommendations; and

4 (C) fails to comply with paragraph (2), the  
 5 amendment made by subsection (a) shall be-  
 6 come effective 360 days after the date of enact-  
 7 ment of this Act.

8 (4) APPLICATION.—Any amendment made pur-  
 9 suant to this section (including any amendment  
 10 made pursuant to the recommendations of the Judi-  
 11 cial Conference of the United States under para-  
 12 graph (2)) shall apply in any proceeding commenced  
 13 on or after the effective date of the amendment.

14 **SEC. 3117. RIGHT TO NOTICE OF RELEASE OR ESCAPE.**

15 (a) IN GENERAL.—Subchapter C of chapter 229 of  
 16 title 18, United States Code, is amended by adding at the  
 17 end the following:

18 **“§ 3627. Notice to victims of release or escape of de-**  
 19 **fendants**

20 “(a) IN GENERAL.—The Bureau of Prisons shall en-  
 21 sure that reasonable notice is provided to each victim of  
 22 an offense for which a person is in custody pursuant to  
 23 this subchapter—

24 “(1) not less than 30 days before the release of  
 25 such person under section 3624, assignment of such

1 person to pre-release custody under section 3624(c),  
2 or transfer of such person under section 3623;

3 “(2) not less than 10 days before the temporary  
4 release of such person under section 3622;

5 “(3) not later than 12 hours after discovery  
6 that such person has escaped;

7 “(4) not later than 12 hours after the return to  
8 custody of such person after an escape; and

9 “(5) at such other times as may be reasonable  
10 before any other form of release of such person as  
11 may occur.

12 “(b) APPLICABILITY.—This section applies to any es-  
13 cape, work release, furlough, or any other form of release  
14 from a psychiatric institution or other facility that pro-  
15 vides mental or other health services to persons in the cus-  
16 tody of the Bureau of Prisons.

17 “(c) VICTIM CONTACT INFORMATION.—It shall be  
18 the responsibility of a victim to notify the Bureau of Pris-  
19 ons, by means of a form to be provided by the Attorney  
20 General, of any change in the mailing address of the vic-  
21 tim, or other means of contacting the victim, while the  
22 defendant is in the custody of the Bureau of Prisons. The  
23 Bureau of Prisons shall ensure the confidentiality of any  
24 information relating to a victim.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 2 The analysis for subchapter C of chapter 229 of title 18,  
 3 United States Code, is amended by adding at the end the  
 4 following:

“3627. Notice to victims of release or escape of defendants.”.

5 **SEC. 3118. RIGHT TO NOTICE AND TO BE HEARD CON-**  
 6 **CERNING EXECUTIVE CLEMENCY.**

7 (a) NOTIFICATION.—Subchapter C of chapter 229 of  
 8 title 18, United States Code, is amended by adding after  
 9 section 3627, as added by section 3117, the following:

10 **“§ 3628. Notice to victims concerning grant of execu-**  
 11 **tive clemency**

12 “(a) DEFINITIONS.—In this section—

13 “(1) the term ‘executive clemency’—

14 “(A) means any exercise by the President  
 15 of the power to grant reprieves and pardons  
 16 under clause 1 of section 2 of article II of the  
 17 Constitution of the United States; and

18 “(B) includes any pardon, reprieve, com-  
 19 mutation of sentence, or remission of fine; and

20 “(2) the term ‘victim’ has the same meaning  
 21 given that term in section 503(e) of the Victims’  
 22 Rights and Restitution Act of 1990 (42 U.S.C.  
 23 10607(e)).

24 “(b) NOTICE OF GRANT OF EXECUTIVE CLEM-  
 25 ENCY.—



1           “(1) If a petition for executive clemency is  
 2           granted, the Attorney General shall make reasonable  
 3           efforts to notify any victim of any offense that is the  
 4           subject of the grant of executive clemency that such  
 5           grant has been made as soon as practicable after  
 6           that grant is made.

7           “(2) If a grant of executive clemency will result  
 8           in the release of any person from custody, notice  
 9           under paragraph (1) shall be prior to that release  
 10          from custody, if practicable.”.

11          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 12          The analysis for subchapter C of chapter 229 of title 18,  
 13          United States Code, is amended by adding at the end the  
 14          following:

“3628. Notice to victims concerning grant of executive clemency.”.

15          (c) REPORTING REQUIREMENTS.—The Attorney  
 16          General shall submit biannually to the Committees on the  
 17          Judiciary of the House of Representatives and the Senate  
 18          a report on executive clemency matters or cases delegated  
 19          for review or investigation to the Attorney General by the  
 20          President, including for each year—

21                 (1) the number of petitions so delegated;

22                 (2) the number of reports submitted to the  
 23          President;

24                 (3) the number of petitions for executive clem-  
 25          ency granted and the number denied;

1           (4) the name of each person whose petition for  
2       executive clemency was granted or denied and the  
3       offenses of conviction of that person for which execu-  
4       tive clemency was granted or denied; and

5           (5) with respect to any person granted execu-  
6       tive clemency, the date that any victim of an offense  
7       that was the subject of that grant of executive clem-  
8       ency was notified, pursuant to Department of Jus-  
9       tice regulations, of a petition for executive clemency,  
10      and whether such victim submitted a statement con-  
11      cerning the petition.

12      (d) SENSE OF CONGRESS CONCERNING THE RIGHT  
13      OF VICTIMS TO NOTICE AND TO BE HEARD CONCERNING  
14      EXECUTIVE CLEMENCY.—It is the sense of Congress  
15      that—

16           (1) victims of a crime should be notified about  
17      any petition for executive clemency filed by the per-  
18      petrators of that crime and provided an opportunity  
19      to submit a statement concerning the petition to the  
20      President; and

21           (2) the Attorney General should promulgate  
22      regulations or internal guidelines to ensure that such  
23      notification and opportunity to submit a statement  
24      are provided.

1 **SEC. 3119. REMEDIES FOR NONCOMPLIANCE.**

2 (a) GENERAL LIMITATION.—Any failure to comply  
3 with any amendment made by this part shall not give rise  
4 to a claim for damages, or any other action against the  
5 United States, or any employee of the United States, any  
6 court official or officer of the court, or an entity con-  
7 tracting with the United States, or any action seeking a  
8 rehearing or other reconsideration of action taken in con-  
9 nection with a defendant.

10 (b) REGULATIONS TO ENSURE COMPLIANCE.—

11 (1) IN GENERAL.—Notwithstanding subsection  
12 (a), not later than 1 year after the date of enact-  
13 ment of this Act, the Attorney General of the United  
14 States and the Chairman of the United States Pa-  
15 role Commission shall promulgate regulations to im-  
16 plement and enforce the amendments made by this  
17 title.

18 (2) CONTENTS.—The regulations promulgated  
19 under paragraph (1) shall—

20 (A) contain disciplinary sanctions, includ-  
21 ing suspension or termination from employ-  
22 ment, for employees of the Department of Jus-  
23 tice (including employees of the United States  
24 Parole Commission) who willfully or repeatedly  
25 violate the amendments made by this title, or  
26 willfully or repeatedly refuse or fail to comply

1 with provisions of Federal law pertaining to the  
 2 treatment of victims of crime;

3 (B) include an administrative procedure  
 4 through which parties can file formal com-  
 5 plaints with the Department of Justice alleging  
 6 violations of the amendments made by this title;

7 (C) provide that a complainant is prohib-  
 8 ited from recovering monetary damages against  
 9 the United States, or any employee of the  
 10 United States, either in his official or personal  
 11 capacity; and

12 (D) provide that the Attorney General, or  
 13 the designee of the Attorney General, shall be  
 14 the final arbiter of the complaint, and there  
 15 shall be no judicial review of the final decision  
 16 of the Attorney General by a complainant.

17 **PART 2—VICTIM ASSISTANCE INITIATIVES**

18 **SEC. 3121. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN**

19 **PROGRAMS FOR CRIME VICTIMS.**

20 (a) DEFINITIONS.—In this section:

21 (1) DIRECTOR.—The term “Director” means  
 22 the Director of the Office of Victims of Crime.

23 (2) OFFICE.—The term “Office” means the Of-  
 24 fice for Victims of Crime.

1           (3) QUALIFIED PRIVATE ENTITY.—The term  
2           “qualified private entity” means a private entity  
3           that meets such requirements as the Attorney Gen-  
4           eral, acting through the Director, may establish.

5           (4) QUALIFIED UNIT OF STATE OR LOCAL GOV-  
6           ERNMENT.—The term “local government” means a  
7           unit of a State or local government, including a  
8           State court, that meets such requirements as the At-  
9           torney General, acting through the Director, may es-  
10          tablish.

11          (5) VOICE CENTERS.—The term “VOICE Cen-  
12          ters” means the Victim Ombudsman Information  
13          Centers established under the program under sub-  
14          section (b).

15          (b) PILOT PROGRAMS.—

16               (1) IN GENERAL.—Not later than 12 months  
17               after the date of enactment of this Act, the Attorney  
18               General, acting through the Director, shall establish  
19               and carry out a program to provide for pilot pro-  
20               grams to establish and operate Victim Ombudsman  
21               Information Centers in each of the following States:

22                       (A) Iowa.

23                       (B) Massachusetts.

24                       (C) Maryland.

25                       (D) Vermont.

1 (E) Virginia.

2 (F) Washington.

3 (G) Wisconsin.

4 (2) AGREEMENTS.—

5 (A) IN GENERAL.—The Attorney General,  
6 acting through the Director, shall enter into an  
7 agreement with a qualified private entity or  
8 unit of State or local government to conduct a  
9 pilot program referred to in paragraph (1).  
10 Under the agreement, the Attorney General,  
11 acting through the Director, shall provide for a  
12 grant to assist the qualified private entity or  
13 unit of State or local government in carrying  
14 out the pilot program.

15 (B) CONTENTS OF AGREEMENT.—The  
16 agreement referred to in subparagraph (A)  
17 shall specify that—

18 (i) the VOICE Center shall be estab-  
19 lished in accordance with this section; and

20 (ii) except with respect to meeting ap-  
21 plicable requirements of this section con-  
22 cerning carrying out the duties of a  
23 VOICE Center under this section (includ-  
24 ing the applicable reporting duties under  
25 subsection (c) and the terms of the agree-

1                   ment) each VOICE Center shall operate  
2                   independently of the Office.

3                   (C) NO AUTHORITY OVER DAILY OPER-  
4                   ATIONS.—The Office shall have no supervisory  
5                   or decisionmaking authority over the day-to-day  
6                   operations of a VOICE Center.

7                   (c) OBJECTIVES.—

8                   (1) MISSION.—The mission of each VOICE  
9                   Center established under a pilot program under this  
10                  section shall be to assist a victim of a Federal or  
11                  State crime to ensure that the victim—

12                         (A) is fully apprised of the rights of that  
13                         victim under applicable Federal or State law;  
14                         and

15                         (B) is provided the opportunity to partici-  
16                         pate in the criminal justice process to the full-  
17                         est extent of the law.

18                   (2) DUTIES.—The duties of a VOICE Center  
19                  shall include—

20                         (A) providing information to victims of  
21                         Federal or State crime regarding the right of  
22                         those victims to participate in the criminal jus-  
23                         tice process (including information concerning  
24                         any right that exists under applicable Federal  
25                         or State law);

1 (B) identifying and responding to situa-  
2 tions in which the rights of victims of crime  
3 under applicable Federal or State law may have  
4 been violated;

5 (C) attempting to facilitate compliance  
6 with Federal or State law referred to in sub-  
7 paragraph (B);

8 (D) educating police, prosecutors, Federal  
9 and State judges, officers of the court, and em-  
10 ployees of jails and prisons concerning the  
11 rights of victims under applicable Federal or  
12 State law; and

13 (E) taking measures that are necessary to  
14 ensure that victims of crime are treated with  
15 fairness, dignity, and compassion throughout  
16 the criminal justice process.

17 (d) OVERSIGHT.—

18 (1) TECHNICAL ASSISTANCE.—The Office may  
19 provide technical assistance to each VOICE Center.

20 (2) ANNUAL REPORT.—Each qualified private  
21 entity or qualified unit of State or local government  
22 that carries out a pilot program to establish and op-  
23 erate a VOICE Center under this section shall pre-  
24 pare and submit to the Director, not later than 1



1 year after the VOICE Center is established, and an-  
2 nually thereafter, a report that—

3 (A) describes in detail the activities of the  
4 VOICE Center during the preceding year; and

5 (B) outlines a strategic plan for the year  
6 following the year covered under subparagraph  
7 (A).

8 (e) REVIEW OF PROGRAM EFFECTIVENESS.—

9 (1) GAO STUDY.—Not later than 2 years after  
10 the date on which each VOICE Center established  
11 under a pilot program under this section is fully  
12 operational, the Comptroller General of the United  
13 States shall conduct a review of each pilot program  
14 carried out under this section to determine the effec-  
15 tiveness of the VOICE Center that is the subject of  
16 the pilot program in carrying out the mission and  
17 duties described in subsection (c).

18 (2) OTHER STUDIES.—Not later than 2 years  
19 after the date on which each VOICE Center estab-  
20 lished under a pilot program under this section is  
21 fully operational, the Attorney General, acting  
22 through the Director, shall enter into an agreement  
23 with 1 or more private entities that meet such re-  
24 quirements that the Attorney General, acting  
25 through the Director, may establish, to study the ef-

1       fectiveness of each VOICE Center established by a  
2       pilot program under this section in carrying out the  
3       mission and duties described in subsection (c).

4       (f) TERMINATION DATE.—

5           (1) IN GENERAL.—Except as provided in para-  
6       graph (2), a pilot program established under this  
7       section shall terminate on the date that is 4 years  
8       after the date of enactment of this Act.

9           (2) RENEWAL.—If the Attorney General deter-  
10      mines that any of the pilot programs established  
11      under this section should be renewed for an addi-  
12      tional period, the Attorney General may renew that  
13      pilot program for a period not to exceed 2 years.

14      (g) FUNDING.—Notwithstanding any other provision  
15      of law, an aggregate amount not to exceed \$5,000,000 of  
16      the amounts collected pursuant to sections 3729 through  
17      3731 of title 31, United States Code (commonly known  
18      as the “False Claims Act”), may be used by the Director  
19      to make grants under subsection (b).

20      **SEC. 3122. AMENDMENTS TO VICTIMS OF CRIME ACT OF**  
21                                      **1984.**

22      (a) CRIME VICTIMS FUND.—Section 1402 of the Vic-  
23      tims of Crime Act of 1984 (42 U.S.C. 10601) is  
24      amended—

25           (1) in subsection (b)—

1 (A) in paragraph (3), by striking “and” at  
2 the end;

3 (B) in paragraph (4), by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(5) any gifts, bequests, or donations from pri-  
7 vate entities or individuals.”; and

8 (2) in subsection (d)—

9 (A) in paragraph (4)—

10 (i) in subparagraph (A), by striking  
11 “48.5” and inserting “47.5”;

12 (ii) in subparagraph (B), by striking  
13 “48.5” and inserting “47.5”; and

14 (iii) in subparagraph (C), by striking  
15 “3” and inserting “5”; and

16 (B) in paragraph (5), by adding at the end  
17 the following:

18 “(C) Any State that receives supplemental  
19 funding to respond to incidents or terrorism or  
20 mass violence under this section shall be re-  
21 quired to return to the Crime Victims Fund for  
22 deposit in the reserve fund, amounts subrogated  
23 to the State as a result of third-party payments  
24 to victims.”.

1 (b) CRIME VICTIM COMPENSATION.—Section 1403 of  
2 the Victims of Crime Act of 1984 (42 U.S.C. 10602) is  
3 amended—

4 (1) in subsection (a)—

5 (A) in each of paragraphs (1) and (2), by  
6 striking “40” and inserting “60”; and

7 (B) in paragraph (3)—

8 (i) by striking “5” and inserting  
9 “10”; and

10 (ii) by inserting “and evaluation”  
11 after “administration”; and

12 (2) in subsection (b)—

13 (A) in paragraph (7), by inserting “be-  
14 cause the identity of the offender was not deter-  
15 mined beyond a reasonable doubt in a criminal  
16 trial, because criminal charges were not brought  
17 against the offender, or” after “deny compensa-  
18 tion to any victim”;

19 (B) by redesignating paragraphs (8) and  
20 (9) as paragraphs (9) and (10), respectively;  
21 and

22 (C) by inserting after paragraph (7) the  
23 following:

24 “(8) such program does not discriminate  
25 against victims because they oppose the death pen-

1 alty or disagree with the way the State is pros-  
 2 ecuting the criminal case.”.

3 (c) CRIME VICTIM ASSISTANCE.—Section 1404 of the  
 4 Victims of Crime Act of 1984 (42 U.S.C. 10603) is  
 5 amended—

6 (1) in subsection (b)(3), by striking “5” and in-  
 7 serting “10”;

8 (2) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) by inserting “or enter into cooper-  
 11 ative agreements” after “make grants”;

12 (ii) by striking subparagraph (A) and  
 13 inserting the following:

14 “(A) for demonstration projects, evalua-  
 15 tion, training, and technical assistance services  
 16 to eligible organizations;”;

17 (iii) in subparagraph (B), by striking  
 18 the period at the end and inserting “;  
 19 and”; and

20 (iv) by adding at the end the fol-  
 21 lowing:

22 “(C) training and technical assistance that  
 23 address the significance of and effective delivery  
 24 strategies for providing long-term psychological  
 25 care.”; and

1 (B) in paragraph (3)—

2 (i) in subparagraph (C), by striking  
3 “and” at the end;

4 (ii) in subparagraph (D), by striking  
5 the period at the end and inserting “;  
6 and”; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(E) use funds made available to the Di-  
10 rector under this subsection—

11 “(i) for fellowships and clinical intern-  
12 ships; and

13 “(ii) to carry out programs of training  
14 and special workshops for the presentation  
15 and dissemination of information resulting  
16 from demonstrations, surveys, and special  
17 projects.”; and

18 (3) in subsection (d)—

19 (A) by striking paragraph (1) and insert-  
20 ing the following:

21 “(1) the term ‘State’ includes—

22 “(A) the District of Columbia, the Com-  
23 monwealth of Puerto Rico, the United States  
24 Virgin Islands, and any other territory or pos-  
25 session of the United States; and

1 “(B) for purposes of a subgrant under  
2 subsection (a)(1) or a grant or cooperative  
3 agreement under subsection (c)(1), the United  
4 States Virgin Islands and any agency of the  
5 Government of the District of Columbia or the  
6 Federal Government performing law enforce-  
7 ment functions in and on behalf of the District  
8 of Columbia.”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (C), by striking  
11 “and” at the end; and

12 (ii) by adding at the end the fol-  
13 lowing:

14 “(E) public awareness and education and  
15 crime prevention activities that promote, and  
16 are conducted in conjunction with, the provision  
17 of victim assistance; and

18 “(F) for purposes of an award under sub-  
19 section (c)(1)(A), preparation, publication, and  
20 distribution of informational materials and re-  
21 sources for victims of crime and crime victims  
22 organizations.”;

23 (C) by striking paragraph (4) and insert-  
24 ing the following:

1           “(4) the term ‘crisis intervention services’  
2       means counseling and emotional support including  
3       mental health counseling, provided as a result of cri-  
4       sis situations for individuals, couples, or family  
5       members following and related to the occurrence of  
6       crime;”;

7           (D) in paragraph (5), by striking the pe-  
8       riod at the end and inserting “; and”; and

9           (E) by adding at the end the following:

10          “(6) for purposes of an award under subsection  
11       (c)(1), the term ‘eligible organization’ includes  
12       any—

13           “(A) national or State organization with a  
14       commitment to developing, implementing, evalu-  
15       ating, or enforcing victims’ rights and the deliv-  
16       ery of services;

17           “(B) State agency or unit of local govern-  
18       ment;

19           “(C) State court;

20           “(D) tribal organization;

21           “(E) organization—

22           “(i) described in section 501(c) of the  
23       Internal Revenue Code of 1986; and

24           “(ii) exempt from taxation under sec-  
25       tion 501(a) of such Code; or



1                   “(F) other entity that the Director deter-  
2                   mines to be appropriate.”.

3   **SEC. 3123. INCREASED TRAINING FOR LAW ENFORCEMENT**  
4                   **OFFICERS AND COURT PERSONNEL TO RE-**  
5                   **SPOND TO THE NEEDS OF CRIME VICTIMS.**

6           Notwithstanding any other provision of law, amounts  
7   collected pursuant to sections 3729 through 3731 of title  
8   31, United States Code (commonly known as the “False  
9   Claims Act”) may be used by the Office for Victims of  
10   Crime to make grants to States, State courts, units of  
11   local government, and qualified private entities, to provide  
12   training and information to prosecutors, judges, law en-  
13   forcement officers, probation officers, and other officers  
14   and employees of Federal and State courts to assist them  
15   in responding effectively to the needs of victims of crime.

16   **SEC. 3124. INCREASED RESOURCES TO DEVELOP STATE-OF-**  
17                   **THE-ART SYSTEMS FOR NOTIFYING CRIME**  
18                   **VICTIMS OF IMPORTANT DATES AND DEVEL-**  
19                   **OPMENTS.**

20           (a) IN GENERAL.—Subtitle A of title XXIII of the  
21   Violent Crime Control and Law Enforcement Act of 1994  
22   (Public Law 103–322; 108 Stat. 2077) is amended by  
23   adding at the end the following:

1 **“SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING**  
2 **VICTIMS OF IMPORTANT DATES AND DEVEL-**  
3 **OPMENTS.**

4 “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated to the Office for Victims  
6 of Crime of the Department of Justice such sums as may  
7 be necessary for grants to Federal, State, and local pros-  
8 ecutors’ offices and law enforcement agencies, Federal and  
9 State courts, county jails, Federal and State correctional  
10 institutions, and qualified private entities, to develop and  
11 implement state-of-the-art systems for notifying victims of  
12 crime of important dates and developments relating to the  
13 criminal proceedings at issue.

14 “(b) FALSE CLAIMS ACT.—Notwithstanding any  
15 other provision of law, amounts collected pursuant to sec-  
16 tions 3729 through 3731 of title 31, United States Code  
17 (commonly known as the ‘False Claims Act’), may be used  
18 for grants under this section.”.

19 (b) VIOLENT CRIME REDUCTION TRUST FUND.—  
20 Section 310004(d) of the Violent Crime Control and Law  
21 Enforcement Act of 1994 (42 U.S.C. 14214(d)) is  
22 amended—

23 (1) in the first paragraph designated as para-  
24 graph (15) (relating to the definition of the term  
25 “Federal law enforcement program”), by striking  
26 “and” at the end;

1           (2) in the first paragraph designated as para-  
 2           graph (16) (relating to the definition of the term  
 3           “Federal law enforcement program”), by striking  
 4           the period at the end and inserting “; and”; and

5           (3) by inserting after the first paragraph des-  
 6           ignated as paragraph (16) (relating to the definition  
 7           of the term “Federal law enforcement program”) the  
 8           following:

9           “(17) section 230103.”.

10           **PART 3—VICTIM-OFFENDER PROGRAMS:**

11                   **“RESTORATIVE JUSTICE”**

12           **SEC. 3131. PILOT PROGRAM AND STUDY ON EFFECTIVE-**  
 13                   **NESS OF RESTORATIVE JUSTICE APPROACH**  
 14                   **ON BEHALF OF VICTIMS OF CRIME.**

15           (a) IN GENERAL.—Notwithstanding any other provi-  
 16           sion of law, amounts collected pursuant to sections 3729  
 17           through 3731 of title 31, United States Code (commonly  
 18           known as the “False Claims Act”) and amounts available  
 19           in the Crime Victims Fund (42 U.S.C. 10601 et seq.),  
 20           may be used by the Office of Justice Programs of the De-  
 21           partment of Justice to make grants to States, State  
 22           courts, units of local government, tribal governments, and  
 23           qualified private entities for the establishment of pilot pro-  
 24           grams that implement balanced and restorative justice  
 25           models in juvenile court settings.

1       (b) STUDY.—The Office of Justice Programs of the  
2 Department of Justice shall conduct a study and report  
3 to Congress not later than 2 years after the date of enact-  
4 ment of this Act on the effectiveness of restorative justice  
5 models utilized as a part of grants made pursuant to this  
6 section.

7       (c) CRITERIA.—The study shall—

8           (1) evaluate the success of models already im-  
9 plemented in the States;

10          (2) examine such factors as community restora-  
11 tion, victim restoration, offender accountability, of-  
12 fender training, and treatment; and

13          (3) contain recommendations of best practices.

14       (d) VOLUNTARY PROGRAMS.—Any program funded  
15 under this section shall be fully voluntary by both the vic-  
16 tim and the offender, once the prosecuting agency has de-  
17 termined that the case is appropriate.

18       (e) DEFINITION OF BALANCED AND RESTORATIVE  
19 JUSTICE MODEL.—In this section, the term “balanced  
20 and restorative justice model” means programs served by  
21 the criminal justice system that utilize alternatives to in-  
22 carceration where the purposes are to—

23           (1) protect the community served by the system  
24 and agencies;

1           (2) ensure accountability of the offender and  
2       the system;

3           (3) obligate the offender to pay restitution to  
4       the victim and/or the community; and

5           (4) equip juvenile offenders with the skills need-  
6       ed to live responsibly and productively.

7       (f) AUTHORIZATION.—There are authorized to be ap-  
8       propriated such sums as are necessary to carry out this  
9       section.

## 10           **Subtitle B—Violence Against** 11           **Women Act Enhancements**

### 12       **SEC. 3201. SHELTER SERVICES FOR BATTERED WOMEN** 13           **AND CHILDREN.**

14       (a) STATE SHELTER GRANTS.—Section 303(a)(2)(C)  
15       of the Family Violence Prevention and Services Act (42  
16       U.S.C. 10402(a)(2)(C)) is amended by striking “popu-  
17       lations underserved because of ethnic, racial, cultural, lan-  
18       guage diversity or geographic isolation” and inserting  
19       “populations underserved because of race, ethnicity, age,  
20       disability, religion, alienage status, geographic location  
21       (including rural isolation), or language barriers, and any  
22       other populations determined by the Secretary to be un-  
23       derserved”.

1       (b) SECRETARIAL RESPONSIBILITIES.—Section  
2 305(a) of the Family Violence Prevention and Services Act  
3 (42 U.S.C. 10404(a)) is amended—

4           (1) by striking “an employee” and inserting “1  
5 or more employees”;

6           (2) by striking “of this title.” and inserting “of  
7 this title, including carrying out evaluation and mon-  
8 itoring under this title.”; and

9           (3) by striking “The individual” and inserting  
10 “Any individual”.

11       (c) RESOURCE CENTERS.—Section 308 of the Family  
12 Violence Prevention and Services Act (42 U.S.C. 10407)  
13 is amended—

14           (1) in subsection (a)(2), by inserting “on pro-  
15 viding information, training, and technical assist-  
16 ance” after “focusing”; and

17           (2) in subsection (c), by adding at the end the  
18 following:

19           “(8) Providing technical assistance and training  
20 to local entities carrying out domestic violence pro-  
21 grams that provide shelter, related assistance, or  
22 transitional housing assistance.

23           “(9) Improving access to services, information,  
24 and training, concerning family violence, within In-  
25 dian tribes and Indian tribal agencies.

1           “(10) Providing technical assistance and train-  
 2           ing to appropriate entities to improve access to serv-  
 3           ices, information, and training concerning family vio-  
 4           lence occurring in underserved populations.”.

5           (d) CONFORMING AMENDMENT.—Section 309(6) of  
 6 the Family Violence Prevention and Services Act (42  
 7 U.S.C. 10408(6)) is amended by striking “the Virgin Is-  
 8 lands, the Northern Mariana Islands, and the Trust Terri-  
 9 tory of the Pacific Islands” and inserting “the United  
 10 States Virgin Islands, the Commonwealth of the Northern  
 11 Mariana Islands, and the combined Freely Associated  
 12 States”.

13          (e) REAUTHORIZATION.—Section 310 of the Family  
 14 Violence Prevention and Services Act (42 U.S.C. 10409)  
 15 is amended—

16           (1) by striking subsection (a) and inserting the  
 17 following:

18          “(a) IN GENERAL.—

19           “(1) AUTHORIZATION OF APPROPRIATIONS.—

20           There are authorized to be appropriated to carry out  
 21 this title \$175,000,000 for each of fiscal years 2002  
 22 through 2005.

23           “(2) SOURCE OF FUNDS.—Amounts made avail-  
 24 able under paragraph (1) may be appropriated from  
 25 the Violent Crime Reduction Trust Fund established

1 under section 310001 of the Violent Crime Control  
2 and Law Enforcement Act of 1994 (42 U.S.C.  
3 14211).”;

4 (2) in subsection (b), by striking “under sub-  
5 section 303(a)” and inserting “under section  
6 303(a)”;

7 (3) in subsection (c), by inserting “not more  
8 than the lesser of \$7,500,000 or” before “5”; and

9 (4) by adding at the end the following:

10 “(f) EVALUATION, MONITORING, AND ADMINISTRA-  
11 TION.—Of the amounts appropriated under subsection (a)  
12 for each fiscal year, not more than 1 percent shall be used  
13 by the Secretary for evaluation, monitoring, and adminis-  
14 trative costs under this title.”.

15 (f) STATE DOMESTIC VIOLENCE COALITION GRANT  
16 ACTIVITIES.—Section 311 of the Family Violence Preven-  
17 tion and Services Act (42 U.S.C. 10410) is amended—

18 (1) in subsection (a)(4), by striking “under-  
19 served racial, ethnic or language-minority popu-  
20 lations” and inserting “underserved populations de-  
21 scribed in section 303(a)(2)(C)”;

22 (2) in subsection (c), by striking “the U.S. Vir-  
23 gin Islands, the Northern Mariana Islands, and the  
24 Trust Territory of the Pacific Islands” and inserting  
25 “the United States Virgin Islands, the Common-



1       wealth of the Northern Mariana Islands, and the  
2       Freely Associated States”.

3   **SEC. 3202. TRANSITIONAL HOUSING ASSISTANCE FOR VIC-**  
4                   **TIMS OF DOMESTIC VIOLENCE.**

5       Title III of the Family Violence Prevention and Serv-  
6   ices Act (42 U.S.C. 10401 et seq.) is amended by adding  
7   at the end the following new section:

8   **“SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.**

9       “(a) IN GENERAL.—The Secretary shall award  
10   grants under this section to carry out programs to provide  
11   assistance to individuals, and their dependents—

12               “(1) who are homeless or in need of transitional  
13   housing or other housing assistance, as a result of  
14   fleeing a situation of domestic violence; and

15               “(2) for whom emergency shelter services are  
16   unavailable or insufficient.

17       “(b) ASSISTANCE DESCRIBED.—Assistance provided  
18   under this section may include—

19               “(1) short-term housing assistance, including  
20   rental or utilities payments assistance and assistance  
21   with related expenses, such as payment of security  
22   deposits and other costs incidental to relocation to  
23   transitional housing, in cases in which assistance de-  
24   scribed in this paragraph is necessary to prevent

1 homelessness because an individual or dependent is  
 2 fleeing a situation of domestic violence; and

3 “(2) short-term support services, including pay-  
 4 ment of expenses and costs associated with transpor-  
 5 tation and job training referrals, child care, coun-  
 6 seling, transitional housing identification and place-  
 7 ment, and related services.

8 “(c) TERM OF ASSISTANCE.—An individual or de-  
 9 pendent assisted under this section may not receive assist-  
 10 ance under this section for a total of more than 12  
 11 months.

12 “(d) REPORTS.—

13 “(1) REPORT TO SECRETARY.—

14 “(A) IN GENERAL.—An entity that re-  
 15 ceives a grant under this section shall annually  
 16 prepare and submit to the Secretary a report  
 17 describing the number of individuals and de-  
 18 pendants assisted, and the types of housing as-  
 19 sistance and support services provided, under  
 20 this section.

21 “(B) CONTENTS.—Each report shall in-  
 22 clude information on—

23 “(i) the purpose and amount of hous-  
 24 ing assistance provided to each individual  
 25 or dependent assisted under this section;

1 “(ii) the number of months each indi-  
2 vidual or dependent received the assist-  
3 ance;

4 “(iii) the number of individuals and  
5 dependents who were eligible to receive the  
6 assistance, and to whom the entity could  
7 not provide the assistance solely due to a  
8 lack of available housing; and

9 “(iv) the type of support services pro-  
10 vided to each individual or dependent as-  
11 sisted under this section.

12 “(2) REPORT TO CONGRESS.—The Secretary  
13 shall annually prepare and submit to the Committee  
14 on the Judiciary of the House of Representatives  
15 and the Committee on the Judiciary of the Senate  
16 a report that contains a compilation of the informa-  
17 tion contained in reports submitted under paragraph  
18 (1).

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated from the Violent Crime  
21 Reduction Trust Fund established under section 310001  
22 of the Violent Crime Control and Law Enforcement Act  
23 of 1994 (42 U.S.C. 14211) to carry out this section—

24 “(1) \$25,000,000 for each of fiscal years 2002  
25 through 2003; and

1           “(2) \$30,000,000 for each of fiscal years 2004  
2           and 2005.”.

3   **SEC. 3203. FAMILY UNITY DEMONSTRATION PROJECT.**

4           Section 31904(a) of the Family Unity Demonstration  
5   Project Act (42 U.S.C. 13883(a)) is amended—

6           (1) by striking “1997” and inserting “2002”;

7           (2) by striking “1998” and inserting “2003”;

8           (3) by striking “1999” and inserting “2004”;

9           and

10          (4) by striking “2000” and inserting “2005”.

11           **Subtitle C—Senior Safety**

12   **SEC. 3301. SHORT TITLE.**

13          This subtitle may be cited as the “Seniors Safety Act  
14   of 2001”.

15   **SEC. 3302. FINDINGS AND PURPOSES.**

16          (a) FINDINGS.—Congress makes the following find-  
17   ings:

18           (1) The number of older Americans is growing  
19           both numerically and proportionally in the United  
20           States. Since 1990, the population of seniors has in-  
21           creased by almost 5,000,000, and is now 20.2 per-  
22           cent of the United States population.

23           (2) In 1997, 7 percent of victims of serious vio-  
24           lent crime were age 50 or older.

1           (3) In 1997, 17.7 percent of murder victims  
2       were age 55 or older.

3           (4) According to the National Crime Victimization  
4       Survey, persons aged 50 and older experienced  
5       approximately 673,460 incidents of violent crime, including rape and sexual assaults, robberies and general assaults, during 1997.

8           (5) Older victims of violent crime are almost  
9       twice as likely as younger victims to be raped,  
10      robbed, or assaulted at or in their own homes.

11          (6) Approximately half of Americans who are  
12      50 years old or older feel afraid to walk alone at  
13      night in their own neighborhoods.

14          (7) Seniors over the age of 50 reportedly account  
15      for 37 percent of the estimated  
16      \$40,000,000,000 in losses each year due to telemarketing fraud.

18          (8) In 1998, Congress enacted legislation to  
19      provide for increased penalties for telemarketing  
20      fraud that targets seniors.

21          (9) There has not been a comprehensive study  
22      of crimes committed against seniors since 1994.

23          (10) It has been estimated that approximately  
24      43 percent of those turning 65 can expect to spend  
25      some time in a long-term care facility, and approxi-

1       mately 20 percent can expect to spend 5 years or  
2       longer in a such a facility.

3           (11) In 1997, approximately \$82,800,000,000  
4       was spent on nursing home care in the United  
5       States and over half of this amount was spent by the  
6       medicaid and medicare programs.

7           (12) Losses to fraud and abuse in health care  
8       reportedly cost the United States an estimated  
9       \$100,000,000,000 in 1996.

10          (13) The Inspector General for the Department  
11       of Health and Human Services has estimated that  
12       about \$12,600,000,000 in improper medicare benefit  
13       payments, due to inadvertent mistake, fraud and  
14       abuse, were made during fiscal year 1998.

15          (14) Incidents of health care fraud and abuse  
16       remain high despite awareness of the problem.

17       (b) PURPOSES.—The purposes of this subtitle are  
18   to—

19           (1) combat nursing home fraud and abuse;

20           (2) enhance safeguards for pension plans and  
21       health care programs;

22           (3) develop strategies for preventing and pun-  
23       ishing crimes that target or otherwise disproportion-  
24       ately affect seniors by collecting appropriate data to  
25       measure the extent of crimes committed against sen-

1 iors and determine the extent of domestic and elder  
 2 abuse of seniors; and

3 (4) prevent and deter criminal activity, such as  
 4 telemarketing fraud, that results in economic and  
 5 physical harm against seniors and ensure appro-  
 6 priate restitution.

7 **SEC. 3303. DEFINITIONS.**

8 In this subtitle—

9 (1) the term “crime” means any criminal of-  
 10 fense under Federal or State law;

11 (2) the term “nursing home” means any insti-  
 12 tution or residential care facility defined as such for  
 13 licensing purposes under State law, or if State law  
 14 does not employ the term nursing home, the equiva-  
 15 lent term or terms as determined by the Secretary  
 16 of Health and Human Services, pursuant to section  
 17 1908(e) of the Social Security Act (42 U.S.C.  
 18 1396g(e)); and

19 (3) the term “senior” means an individual who  
 20 is more than 55 years of age.

21 **PART 1—COMBATING CRIMES AGAINST SENIORS**

22 **SEC. 3311. ENHANCED SENTENCING PENALTIES BASED ON**  
 23 **AGE OF VICTIM.**

24 (a) DIRECTIVE TO THE UNITED STATES SEN-  
 25 TENCING COMMISSION.—Pursuant to its authority under

1 section 994(p) of title 28, United States Code, and in ac-  
2 cordance with this section, the United States Sentencing  
3 Commission shall review and, if appropriate, amend sec-  
4 tion 3A1.1(a) of the Federal sentencing guidelines to in-  
5 clude the age of a crime victim as 1 of the criteria for  
6 determining whether the application of a sentencing en-  
7 hancement is appropriate.

8 (b) REQUIREMENTS.—In carrying out this section,  
9 the Commission shall—

10 (1) ensure that the Federal sentencing guide-  
11 lines and the policy statements of the Commission  
12 reflect the serious economic and physical harms as-  
13 sociated with criminal activity targeted at seniors  
14 due to their particular vulnerability;

15 (2) consider providing increased penalties for  
16 persons convicted of offenses in which the victim was  
17 a senior in appropriate circumstances;

18 (3) consult with individuals or groups rep-  
19 resenting seniors, law enforcement agencies, victims  
20 organizations, and the Federal judiciary, as part of  
21 the review described in subsection (a);

22 (4) ensure reasonable consistency with other  
23 Federal sentencing guidelines and directives;

24 (5) account for any aggravating or mitigating  
25 circumstances that may justify exceptions, including



1 circumstances for which the Federal sentencing  
 2 guidelines provide sentencing enhancements;

3 (6) make any necessary conforming changes to  
 4 the Federal sentencing guidelines; and

5 (7) ensure that the Federal sentencing guide-  
 6 lines adequately meet the purposes of sentencing set  
 7 forth in section 3553(a)(2) of title 18, United States  
 8 Code.

9 (c) REPORT.—Not later than December 31, 2002, the  
 10 Commission shall submit to Congress a report on issues  
 11 relating to the age of crime victims, which shall include—

12 (1) an explanation of any changes to sentencing  
 13 policy made by the Commission under this section;  
 14 and

15 (2) any recommendations of the Commission for  
 16 retention or modification of penalty levels, including  
 17 statutory penalty levels, for offenses involving sen-  
 18 iors.

19 **SEC. 3312. STUDY AND REPORT ON HEALTH CARE FRAUD**  
 20 **SENTENCES.**

21 (a) DIRECTIVE TO THE UNITED STATES SEN-  
 22 TENCING COMMISSION.—Pursuant to its authority under  
 23 section 994(p) of title 28, United States Code, and in ac-  
 24 cordance with this section, the United States Sentencing  
 25 Commission shall review and, if appropriate, amend the

1 Federal sentencing guidelines and the policy statements  
2 of the Commission with respect to persons convicted of  
3 offenses involving fraud in connection with a health care  
4 benefit program (as defined in section 24(b) of title 18,  
5 United States Code).

6 (b) REQUIREMENTS.—In carrying out this section,  
7 the Commission shall—

8 (1) ensure that the Federal sentencing guide-  
9 lines and the policy statements of the Commission  
10 reflect the serious harms associated with health care  
11 fraud and the need for aggressive and appropriate  
12 law enforcement action to prevent such fraud;

13 (2) consider providing increased penalties for  
14 persons convicted of health care fraud in appropriate  
15 circumstances;

16 (3) consult with individuals or groups rep-  
17 resenting victims of health care fraud, law enforce-  
18 ment agencies, the health care industry, and the  
19 Federal judiciary as part of the review described in  
20 subsection (a);

21 (4) ensure reasonable consistency with other  
22 Federal sentencing guidelines and directives;

23 (5) account for any aggravating or mitigating  
24 circumstances that might justify exceptions, includ-

1       ing circumstances for which the Federal sentencing  
2       guidelines provide sentencing enhancements;

3           (6) make any necessary conforming changes to  
4       the Federal sentencing guidelines; and

5           (7) ensure that the Federal sentencing guide-  
6       lines adequately meet the purposes of sentencing as  
7       set forth in section 3553(a)(2) of title 18, United  
8       States Code.

9       (c) REPORT.—Not later than December 31, 2002, the  
10      Commission shall submit to Congress a report on issues  
11      relating to offenses described in subsection (a), which shall  
12      include—

13           (1) an explanation of any changes to sentencing  
14      policy made by the Commission under this section;  
15      and

16           (2) any recommendations of the Commission for  
17      retention or modification of penalty levels, including  
18      statutory penalty levels, for those offenses.

19      **SEC. 3313. INCREASED PENALTIES FOR FRAUD RESULTING**  
20                           **IN SERIOUS INJURY OR DEATH.**

21      Sections 1341 and 1343 of title 18, United States  
22      Code, are each amended by inserting before the last sen-  
23      tence the following: “If the violation results in serious bod-  
24      ily injury (as defined in section 1365 of this title), such  
25      person shall be fined under this title, imprisoned not more

1 than 20 years, or both, and if the violation results in  
 2 death, such person shall be fined under this title, impris-  
 3 oned for any term of years or life, or both.”.

4 **SEC. 3314. SAFEGUARDING PENSION PLANS FROM FRAUD**  
 5 **AND THEFT.**

6 (a) IN GENERAL.—Chapter 63 of title 18, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing:

9 **“§ 1348. Fraud in relation to retirement arrange-**  
 10 **ments**

11 “(a) RETIREMENT ARRANGEMENT DEFINED.—In  
 12 this section—

13 “(1) IN GENERAL.—The term ‘retirement ar-  
 14 rangement’ means—

15 “(A) any employee pension benefit plan  
 16 subject to any provision of title I of the Em-  
 17 ployee Retirement Income Security Act of 1974;

18 “(B) any qualified retirement plan within  
 19 the meaning of section 4974(c) of the Internal  
 20 Revenue Code of 1986;

21 “(C) any medical savings account de-  
 22 scribed in section 220 of the Internal Revenue  
 23 Code of 1986; or

24 “(D) fund established within the Thrift  
 25 Savings Fund by the Federal Retirement Thrift

1 Investment Board pursuant to subchapter III of  
2 chapter 84 of title 5.

3 “(2) EXCEPTION FOR GOVERNMENTAL PLAN.—

4 Such term does not include any governmental plan  
5 (as defined in section 3(32) of title I of the Em-  
6 ployee Retirement Income Security Act of 1974 (29  
7 U.S.C. 1002(32))), except as provided in paragraph  
8 (1)(D).

9 “(3) CERTAIN ARRANGEMENTS INCLUDED.—

10 Such term shall include any arrangement that has  
11 been represented to be an arrangement described in  
12 any subparagraph of paragraph (1) (whether or not  
13 so described).

14 “(b) PROHIBITION AND PENALTIES.—Whoever exe-  
15 cutes, or attempts to execute, a scheme or artifice—

16 “(1) to defraud any retirement arrangement or  
17 other person in connection with the establishment or  
18 maintenance of a retirement arrangement; or

19 “(2) to obtain, by means of false or fraudulent  
20 pretenses, representations, or promises, any of the  
21 money or property owned by, or under the custody  
22 or control of, any retirement arrangement or other  
23 person in connection with the establishment or main-  
24 tenance of a retirement arrangement;

1 shall be fined under this title, imprisoned not more than  
2 10 years, or both.

3 “(c) ENFORCEMENT.—

4 “(1) IN GENERAL.—Subject to paragraph (2),  
5 the Attorney General may investigate any violation  
6 of and otherwise enforce this section.

7 “(2) EFFECT ON OTHER AUTHORITY.—Nothing  
8 in this subsection may be construed to preclude the  
9 Secretary of Labor or the head of any other appro-  
10 priate Federal agency from investigating a violation  
11 of this section in relation to a retirement arrange-  
12 ment subject to title I of the Employee Retirement  
13 Income Security Act of 1974 (29 U.S.C. 1001 et  
14 seq.) or any other provision of Federal law.”.

15 (b) TECHNICAL AMENDMENT.—Section 24(a)(1) of  
16 title 18, United States Code, is amended by inserting  
17 “1348,” after “1347,”.

18 (c) CONFORMING AMENDMENT.—The analysis for  
19 chapter 63 of title 18, United States Code, is amended  
20 by adding at the end the following:

“1348. Fraud in relation to retirement arrangements.”.

21 **SEC. 3315. ADDITIONAL CIVIL PENALTIES FOR DEFRAUD-**  
22 **ING PENSION PLANS.**

23 (a) IN GENERAL.—

24 (1) ACTION BY ATTORNEY GENERAL.—Except  
25 as provided in subsection (b)—

1 (A) the Attorney General may bring a civil  
2 action in the appropriate district court of the  
3 United States against any person who engages  
4 in conduct constituting an offense under section  
5 1348 of title 18, United States Code, or con-  
6 spiracy to violate such section 1348; and

7 (B) upon proof of such conduct by a pre-  
8 ponderance of the evidence, such person shall  
9 be subject to a civil penalty in an amount equal  
10 to the greatest of—

11 (i) the amount of pecuniary gain to  
12 that person;

13 (ii) the amount of pecuniary loss sus-  
14 tained by the victim; or

15 (iii) not more than—

16 (I) \$50,000 for each such viola-  
17 tion in the case of an individual; or

18 (II) \$100,000 for each violation  
19 in the case of a person other than an  
20 individual.

21 (2) NO EFFECT ON OTHER REMEDIES.—The  
22 imposition of a civil penalty under this subsection  
23 does not preclude any other statutory, common law,  
24 or administrative remedy available by law to the  
25 United States or any other person.

1 (b) EXCEPTION.—No civil penalty may be imposed  
 2 pursuant to subsection (a) with respect to conduct involv-  
 3 ing a retirement arrangement that—

4 (1) is an employee pension benefit plan subject  
 5 to title I of Employee Retirement Income Security  
 6 Act of 1974; and

7 (2) for which the civil penalties may be imposed  
 8 under section 502 of Employee Retirement Income  
 9 Security Act of 1974 (29 U.S.C. 1132).

10 (c) DETERMINATION OF PENALTY AMOUNT.—In de-  
 11 termining the amount of the penalty under subsection (a),  
 12 the district court may consider the effect of the penalty  
 13 on the violator or other person’s ability to—

14 (1) restore all losses to the victims; or

15 (2) provide other relief ordered in another civil  
 16 or criminal prosecution related to such conduct, in-  
 17 cluding any penalty or tax imposed on the violator  
 18 or other person pursuant to the Internal Revenue  
 19 Code of 1986.”.

20 **SEC. 3316. PUNISHING BRIBERY AND GRAFT IN CONNEC-**  
 21 **TION WITH EMPLOYEE BENEFIT PLANS.**

22 Section 1954 of title 18, United State Code, is  
 23 amended to read as follows:



1 **“§ 1954. Bribery and graft in connection with em-**  
2 **ployee benefit plans**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘employee benefit plan’ means  
5 any employee welfare benefit plan or employee pen-  
6 sion benefit plan subject to any provision of title I  
7 of the Employee Retirement Income Security Act of  
8 1974;

9 “(2) the terms ‘employee organization’, ‘admin-  
10 istrator’, and ‘employee benefit plan sponsor’ mean  
11 any employee organization, administrator, or plan  
12 sponsor, as defined in title I of the Employment Re-  
13 tirement Income Security Act of 1974; and

14 “(3) the term ‘applicable person’ means a per-  
15 son who is—

16 “(A) an administrator, officer, trustee,  
17 custodian, counsel, agent, or employee of any  
18 employee benefit plan;

19 “(B) an officer, counsel, agent, or em-  
20 ployee of an employer or an employer any of  
21 whose employees are covered by such plan;

22 “(C) an officer, counsel, agent, or em-  
23 ployee of an employee organization any of  
24 whose members are covered by such plan;

1           “(D) a person who, or an officer, counsel,  
2           agent, or employee of an organization that, pro-  
3           vides benefit plan services to such plan; or

4           “(E) a person with actual or apparent in-  
5           fluence or decisionmaking authority in regard  
6           to such plan.

7           “(b) BRIBERY AND GRAFT.—Whoever—

8           “(1) being an applicable person, receives or  
9           agrees to receive or solicits, any fee, kickback, com-  
10          mission, gift, loan, money, or thing of value, person-  
11          ally or for any other person, because of or with the  
12          intent to be corruptly influenced with respect to any  
13          action, decision, or duty of that applicable person re-  
14          lating to any question or matter concerning an em-  
15          ployee benefit plan;

16          “(2) directly or indirectly, gives or offers, or  
17          promises to give or offer, any fee, kickback, commis-  
18          sion, gift, loan, money, or thing of value, to any ap-  
19          plicable person, because of or with the intent to be  
20          corruptly influenced with respect to any action, deci-  
21          sion, or duty of that applicable person relating to  
22          any question or matter concerning an employee ben-  
23          efit plan; or

1           “(3) attempts to give, accept, or receive any  
2           thing of value with the intent to be corruptly influ-  
3           enced in violation of this subsection;  
4           shall be fined under this title, imprisoned not more than  
5           5 years, or both.

6           “(c) EXCEPTIONS.—Nothing in this section may be  
7           construed to apply to any—

8           “(1) payment to or acceptance by any person of  
9           bona fide salary, compensation, or other payments  
10          made for goods or facilities actually furnished or for  
11          services actually performed in the regular course of  
12          his duties as an applicable person; or

13          “(2) payment to or acceptance in good faith by  
14          any employee benefit plan sponsor, or person acting  
15          on the sponsor’s behalf, of any thing of value relat-  
16          ing to the sponsor’s decision or action to establish,  
17          terminate, or modify the governing instruments of  
18          an employee benefit plan in a manner that does not  
19          violate title I of the Employee Retirement Income  
20          Security Act of 1974, or any regulation or order  
21          promulgated thereunder, or any other provision of  
22          law governing the plan.”.

1   **PART 2—PREVENTING TELEMARKETING FRAUD**

2   **SEC. 3321. CENTRALIZED COMPLAINT AND CONSUMER**  
3                   **EDUCATION SERVICE FOR VICTIMS OF TELE-**  
4                   **MARKETING FRAUD.**

5       (a) CENTRALIZED SERVICE.—

6           (1) REQUIREMENT.—The Federal Trade Com-  
7       mission shall, after consultation with the Attorney  
8       General, establish procedures to—

9           (A) log and acknowledge the receipt of  
10       complaints by individuals who certify that they  
11       have a reasonable belief that they have been the  
12       victim of fraud in connection with the conduct  
13       of telemarketing (as that term is defined in sec-  
14       tion 2325 of title 18, United States Code, as  
15       amended by section 3322(a) of this Act);

16       (B) provide to individuals described in sub-  
17       paragraph (A), and to any other persons, infor-  
18       mation on telemarketing fraud, including—

19           (i) general information on tele-  
20       marketing fraud, including descriptions of  
21       the most common telemarketing fraud  
22       schemes;

23           (ii) information on means of referring  
24       complaints on telemarketing fraud to ap-  
25       propriate law enforcement agencies, includ-  
26       ing the Director of the Federal Bureau of

1 Investigation, the attorneys general of the  
2 States, and the national toll-free telephone  
3 number on telemarketing fraud established  
4 by the Attorney General; and

5 (iii) information, if available, on the  
6 number of complaints of telemarketing  
7 fraud against particular companies and  
8 any record of convictions for telemarketing  
9 fraud by particular companies for which a  
10 specific request has been made; and

11 (C) refer complaints described in subpara-  
12 graph (A) to appropriate entities, including  
13 State consumer protection agencies or entities  
14 and appropriate law enforcement agencies, for  
15 potential law enforcement action.

16 (2) CENTRAL LOCATION.—The service under  
17 the procedures under paragraph (1) shall be pro-  
18 vided at and through a single site selected by the  
19 Commission for that purpose.

20 (3) COMMENCEMENT.—The Commission shall  
21 commence carrying out the service not later than 1  
22 year after the date of enactment of this Act.

23 (b) CREATION OF FRAUD CONVICTION DATABASE.—

24 (1) REQUIREMENT.—The Attorney General  
25 shall establish and maintain a computer database

1 containing information on the corporations and com-  
2 panies convicted of offenses for telemarketing fraud  
3 under Federal and State law. The database shall in-  
4 clude a description of the type and method of the  
5 fraud scheme for which each corporation or company  
6 covered by the database was convicted.

7 (2) USE OF DATABASE.—The Attorney General  
8 shall make information in the database available to  
9 the Federal Trade Commission for purposes of pro-  
10 viding information as part of the service under sub-  
11 section (a).

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated such sums as may be nec-  
14 essary to carry out this section.

15 **SEC. 3322. BLOCKING OF TELEMARKETING SCAMS.**

16 (a) EXPANSION OF SCOPE OF TELEMARKETING  
17 FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES.—  
18 Section 2325(1) of title 18, United States Code, is amend-  
19 ed by striking “telephone calls” and inserting “wire com-  
20 munications utilizing a telephone service”.

21 (b) BLOCKING OR TERMINATION OF TELEPHONE  
22 SERVICE ASSOCIATED WITH TELEMARKETING FRAUD.—

23 (1) IN GENERAL.—Chapter 113A of title 18,  
24 United States Code, is amended by adding at the  
25 end the following:

1   **“§ 2328. Blocking or termination of telephone service**

2           “(a) IN GENERAL.—If a common carrier subject to  
3 the jurisdiction of the Federal Communications Commis-  
4 sion is notified in writing by the Attorney General, acting  
5 within the Attorney General’s jurisdiction, that any wire  
6 communications facility furnished by such common carrier  
7 is being used or will be used by a subscriber for the pur-  
8 pose of transmitting or receiving a wire communication  
9 in interstate or foreign commerce for the purpose of exe-  
10 cuting any scheme or artifice to defraud, or for obtaining  
11 money or property by means of false or fraudulent pre-  
12 tenses, representations, or promises, in connection with  
13 the conduct of telemarketing, the common carrier shall  
14 discontinue or refuse the leasing, furnishing, or maintain-  
15 ing of the facility to or for the subscriber after reasonable  
16 notice to the subscriber.

17           “(b) PROHIBITION ON DAMAGES.—No damages, pen-  
18 alty, or forfeiture, whether civil or criminal, shall be found  
19 or imposed against any common carrier for any act done  
20 by the common carrier in compliance with a notice re-  
21 ceived from the Attorney General under this section.

22           “(c) RELIEF.—

23           “(1) IN GENERAL.—Nothing in this section  
24 may be construed to prejudice the right of any per-  
25 son affected thereby to secure an appropriate deter-

1 mination, as otherwise provided by law, in a Federal  
 2 court, that—

3 “(A) the leasing, furnishing, or maintain-  
 4 ing of a facility should not be discontinued or  
 5 refused under this section; or

6 “(B) the leasing, furnishing, or maintain-  
 7 ing of a facility that has been so discontinued  
 8 or refused should be restored.

9 “(2) SUPPORTING INFORMATION.—In any ac-  
 10 tion brought under this subsection, the court may  
 11 direct that the Attorney General present evidence in  
 12 support of the notice made under subsection (a) to  
 13 which such action relates.

14 “(d) DEFINITIONS.—In this section:

15 “(1) REASONABLE NOTICE TO THE SUB-  
 16 SCRIBER.—

17 “(A) IN GENERAL.—The term ‘reasonable  
 18 notice to the subscriber’, in the case of a sub-  
 19 scriber of a common carrier, means any infor-  
 20 mation necessary to provide notice to the sub-  
 21 scriber that—

22 “(i) the wire communications facilities  
 23 furnished by the common carrier may not  
 24 be used for the purpose of transmitting,  
 25 receiving, forwarding, or delivering a wire



1 communication in interstate or foreign  
2 commerce for the purpose of executing any  
3 scheme or artifice to defraud in connection  
4 with the conduct of telemarketing; and

5 “(ii) such use constitutes sufficient  
6 grounds for the immediate discontinuance  
7 or refusal of the leasing, furnishing, or  
8 maintaining of the facilities to or for the  
9 subscriber.

10 “(B) INCLUDED MATTER.—The term in-  
11 cludes any tariff filed by the common carrier  
12 with the Federal Communications Commission  
13 that contains the information specified in sub-  
14 paragraph (A).

15 “(2) WIRE COMMUNICATION.—The term ‘wire  
16 communication’ has the meaning given that term in  
17 section 2510(1) of this title.

18 “(3) WIRE COMMUNICATIONS FACILITY.—The  
19 term ‘wire communications facility’ means any facil-  
20 ity (including instrumentalities, personnel, and serv-  
21 ices) used by a common carrier for purposes of the  
22 transmission, receipt, forwarding, or delivery of wire  
23 communications.”.

1           (2) CONFORMING AMENDMENT.—The analysis  
 2           for that chapter is amended by adding at the end  
 3           the following:

“2328. Blocking or termination of telephone service.”.

4           **PART 3—PREVENTING HEALTH CARE FRAUD**

5           **SEC. 3331. INJUNCTIVE AUTHORITY RELATING TO FALSE**  
 6                           **CLAIMS AND ILLEGAL KICKBACK SCHEMES**  
 7                           **INVOLVING FEDERAL HEALTH CARE PRO-**  
 8                           **GRAMS.**

9           (a) IN GENERAL.—Section 1345(a) of title 18,  
 10          United States Code, is amended—

11                  (1) in paragraph (1)—

12                          (A) in subparagraph (B), by striking “,  
 13                          or” and inserting a semicolon;

14                          (B) in subparagraph (C), by striking the  
 15                          period at the end and inserting “; or”; and

16                          (C) by inserting after subparagraph (C)  
 17                          the following:

18                                  “(D) committing or about to commit an offense  
 19                          under section 1128B of the Social Security Act (42  
 20                          U.S.C. 1320a–7b);”; and

21                          (2) in paragraph (2), by inserting “a violation  
 22                          of paragraph (1)(D) or” before “a banking”.

23           (b) CIVIL ACTIONS.—

1           (1) IN GENERAL.—Section 1128B of the Social  
 2       Security Act (42 U.S.C. 1320a–7b) is amended by  
 3       adding at the end the following:

4       “(g) CIVIL ACTIONS.—

5           “(1) IN GENERAL.—The Attorney General may  
 6       bring an action in the appropriate district court of  
 7       the United States to impose upon any person who  
 8       carries out any activity in violation of this section  
 9       with respect to a Federal health care program a civil  
 10      penalty of not more than \$50,000 for each such vio-  
 11      lation, or damages of 3 times the total remuneration  
 12      offered, paid, solicited, or received, whichever is  
 13      greater.

14          “(2) EXISTENCE OF VIOLATION.—A violation  
 15      exists under paragraph (1) if 1 or more purposes of  
 16      the remuneration is unlawful, and the damages shall  
 17      be the full amount of such remuneration.

18          “(3) PROCEDURES.—An action under para-  
 19      graph (1) shall be governed by—

20           “(A) the procedures with regard to sub-  
 21      poenas, statutes of limitations, standards of  
 22      proof, and collateral estoppel set forth in sec-  
 23      tion 3731 of title 31, United States Code; and

24           “(B) the Federal Rules of Civil Procedure.

1           “(4) NO EFFECT ON OTHER REMEDIES.—Noth-  
 2           ing in this section may be construed to affect the  
 3           availability of any other criminal or civil remedy.

4           “(h) INJUNCTIVE RELIEF.—The Attorney General  
 5           may commence a civil action in an appropriate district  
 6           court of the United States to enjoin a violation of this  
 7           section, as provided in section 1345 of title 18, United  
 8           States Code.”.

9           (2) CONFORMING AMENDMENT.—The heading  
 10          of section 1128B of the Social Security Act (42  
 11          U.S.C. 1320a–7b) is amended by inserting “AND  
 12          CIVIL” after “CRIMINAL”.

13   **SEC. 3332. AUTHORIZED INVESTIGATIVE DEMAND PROCE-**  
 14                           **DURES.**

15          Section 3486 of title 18, United States Code, is  
 16          amended—

17               (1) in subsection (a), by inserting “, or any al-  
 18               legation of fraud or false claims (whether criminal or  
 19               civil) in connection with a Federal health care pro-  
 20               gram (as defined in section 1128B(f) of the Social  
 21               Security Act (42 U.S.C. 1320a–7b(f))),” after “Fed-  
 22               eral health care offense,”; and

23               (2) by adding at the end the following:

24          “(f) PRIVACY PROTECTION.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), any record (including any book, paper,  
3           document, electronic medium, or other object or tan-  
4           gible thing) produced pursuant to a subpoena issued  
5           under this section that contains personally identifi-  
6           able health information may not be disclosed to any  
7           person, except pursuant to a court order under sub-  
8           section (e)(1).

9           “(2) EXCEPTIONS.—A record described in para-  
10          graph (1) may be disclosed—

11               “(A) to an attorney for the government for  
12               use in the performance of the official duty of  
13               the attorney (including presentation to a Fed-  
14               eral grand jury);

15               “(B) to such government personnel (in-  
16               cluding personnel of a State or subdivision of a  
17               State) as are determined to be necessary by an  
18               attorney for the government to assist an attor-  
19               ney for the government in the performance of  
20               the official duty of that attorney to enforce  
21               Federal criminal law;

22               “(C) as directed by a court preliminarily to  
23               or in connection with a judicial proceeding; and

24               “(D) as permitted by a court—

1                   “(i) at the request of a defendant in  
2                   an administrative, civil, or criminal action  
3                   brought by the United States, upon a  
4                   showing that grounds may exist for a mo-  
5                   tion to exclude evidence obtained under  
6                   this section; or

7                   “(E) at the request of an attorney for the  
8                   government, upon a showing that such matters  
9                   may disclose a violation of State criminal law,  
10                  to an appropriate official of a State or subdivi-  
11                  sion of a State for the purpose of enforcing  
12                  such law.

13                  “(3) MANNER OF COURT ORDERED DISCLO-  
14                  SURES.—If a court orders the disclosure of any  
15                  record described in paragraph (1), the disclosure  
16                  shall be made in such manner, at such time, and  
17                  under such conditions as the court may direct and  
18                  shall be undertaken in a manner that preserves the  
19                  confidentiality and privacy of individuals who are the  
20                  subject of the record, unless disclosure is required by  
21                  the nature of the proceedings, in which event the at-  
22                  torney for the government shall request that the pre-  
23                  siding judicial or administrative officer enter an  
24                  order limiting the disclosure of the record to the  
25                  maximum extent practicable, including redacting the

1 personally identifiable health information from pub-  
 2 licly disclosed or filed pleadings or records.

3 “(4) DESTRUCTION OF RECORDS.—Any record  
 4 described in paragraph (1), and all copies of that  
 5 record, in whatever form (including electronic) shall  
 6 be destroyed not later than 90 days after the date  
 7 on which the record is produced, unless otherwise or-  
 8 dered by a court of competent jurisdiction, upon a  
 9 showing of good cause.

10 “(5) EFFECT OF VIOLATION.—Any person who  
 11 knowingly fails to comply with this subsection may  
 12 be punished as in contempt of court.

13 “(g) PERSONALLY IDENTIFIABLE HEALTH INFORMA-  
 14 TION DEFINED.—In this section, the term ‘personally  
 15 identifiable health information’ means any information, in-  
 16 cluding genetic information, demographic information,  
 17 and tissue samples collected from an individual, whether  
 18 oral or recorded in any form or medium, that—

19 “(1) relates to the past, present, or future phys-  
 20 ical or mental health or condition of an individual,  
 21 the provision of health care to an individual, or the  
 22 past, present, or future payment for the provision of  
 23 health care to an individual; and

24 “(2) either—

25 “(A) identifies an individual; or

1           “(B) with respect to which there is a rea-  
 2           sonable basis to believe that the information  
 3           can be used to identify an individual.”.

4 **SEC. 3333. EXTENDING ANTIFRAUD SAFEGUARDS TO THE**  
 5           **FEDERAL EMPLOYEE HEALTH BENEFITS**  
 6           **PROGRAM.**

7           Section 1128B(f)(1) of the Social Security Act (42  
 8 U.S.C. 1320a–7b(f)(1)) is amended by striking “(other  
 9 than the health insurance program under chapter 89 of  
 10 title 5, United States Code)”.

11 **SEC. 3334. GRAND JURY DISCLOSURE.**

12           Section 3322 of title 18, United States Code, is  
 13 amended—

14           (1) by redesignating subsections (c) and (d) as  
 15           subsections (d) and (e), respectively; and

16           (2) by inserting after subsection (b) the fol-  
 17           lowing:

18           “(c) GRAND JURY DISCLOSURE.—Subject to section  
 19 3486(f), upon ex parte motion of an attorney for the gov-  
 20 ernment showing that such disclosure would be of assist-  
 21 ance to enforce any provision of Federal law, a court may  
 22 direct the disclosure of any matter occurring before a  
 23 grand jury during an investigation of a Federal health  
 24 care offense (as defined in section 24(a) of this title) to  
 25 an attorney for the government to use in any investigation



1 or civil proceeding relating to fraud or false claims in con-  
2 nection with a Federal health care program (as defined  
3 in section 1128B(f) of the Social Security Act (42 U.S.C.  
4 1320a–7b(f))).”.

5 **SEC. 3335. INCREASING THE EFFECTIVENESS OF CIVIL IN-**  
6 **VESTIGATIVE DEMANDS IN FALSE CLAIMS IN-**  
7 **VESTIGATIONS.**

8 Section 3733 of title 31, United States Code, is  
9 amended—

10 (1) in subsection (a)(1), in the second sentence,  
11 by inserting “, except to the Deputy Attorney Gen-  
12 eral or to an Assistant Attorney General” before the  
13 period at the end; and

14 (2) in subsection (i)(2)(C), by adding at the end  
15 the following: “Disclosure of information to a person  
16 who brings a civil action under section 3730, or such  
17 person’s counsel, shall be allowed only upon applica-  
18 tion to a United States district court showing that  
19 such disclosure would assist the Department of Jus-  
20 tice in carrying out its statutory responsibilities.”.

1 **PART 4—PROTECTING THE RIGHTS OF ELDERLY**  
2 **CRIME VICTIMS**

3 **SEC. 3341. USE OF FORFEITED FUNDS TO PAY RESTITUTION**  
4 **TO CRIME VICTIMS AND REGULATORY AGEN-**  
5 **CIES.**

6 Section 981(e) of title 18, United States Code, is  
7 amended—

8 (1) in each of paragraphs (3), (4), and (5), by  
9 striking “in the case of property referred to in sub-  
10 section (a)(1)(C)” and inserting “in the case of  
11 property forfeited in connection with an offense re-  
12 sulting in a pecuniary loss to a financial institution  
13 or regulatory agency”;

14 (2) by striking paragraph (6) and inserting the  
15 following:

16 “(6) as restoration to any victim of the offense  
17 giving rise to the forfeiture, including, in the case of  
18 a money laundering offense, any offense constituting  
19 the underlying specified unlawful activity; or”; and

20 (3) in paragraph (7), by striking “in the case  
21 of property referred to in subsection (a)(1)(D)” and  
22 inserting “in the case of property forfeited in con-  
23 nection with an offense relating to the sale of assets  
24 acquired or held by any Federal financial institution  
25 or regulatory agency, or person appointed by such

1       agency, as receiver, conservator, or liquidating agent  
2       for an financial institution”.

3   **SEC. 3342. VICTIM RESTITUTION.**

4       Section 413 of the Controlled Substances Act (21  
5   U.S.C. 853) is amended by adding at the end the fol-  
6   lowing:

7       “(r) VICTIM RESTITUTION.—

8               “(1) SATISFACTION OF ORDER OF RESTITU-  
9       TION.—

10               “(A) IN GENERAL.—Except as provided in  
11       subparagraph (B), a defendant may not use  
12       property subject to forfeiture under this section  
13       to satisfy an order of restitution.

14               “(B) EXCEPTION.—If there are 1 or more  
15       identifiable victims entitled to restitution from a  
16       defendant, and the defendant has no assets  
17       other than the property subject to forfeiture  
18       with which to pay restitution to the victim or  
19       victims, the attorney for the Government may  
20       move to dismiss a forfeiture allegation against  
21       the defendant before entry of a judgment of  
22       forfeiture in order to allow the property to be  
23       used by the defendant to pay restitution in  
24       whatever manner the court determines to be ap-  
25       propriate if the court grants the motion. In

1       granting a motion under this subparagraph, the  
2       court shall include a provision ensuring that  
3       costs associated with the identification, seizure,  
4       management, and disposition of the property  
5       are recovered by the United States.

6       “(2) RESTORATION OF FORFEITED PROP-  
7       ERTY.—

8               “(A) IN GENERAL.—If an order of for-  
9       feiture is entered pursuant to this section and  
10      the defendant has no assets other than the for-  
11      feited property to pay restitution to 1 or more  
12      identifiable victims who are entitled to restitu-  
13      tion, the Government shall restore the forfeited  
14      property to the victims pursuant to subsection  
15      (i)(1) once the ancillary proceeding under sub-  
16      section (n) has been completed and the costs of  
17      the forfeiture action have been deducted.

18              “(B) DISTRIBUTION OF PROPERTY.—On  
19      motion of the attorney for the Government, the  
20      court may enter any order necessary to facili-  
21      tate the distribution of any property restored  
22      under this paragraph.

23              “(3) VICTIM DEFINED.—In this subsection, the  
24      term ‘victim’—

“(A) means a person other than a person with a legal right, title, or interest in the forfeited property sufficient to satisfy the standing requirements of subsection (n)(2) who may be entitled to restitution from the forfeited funds pursuant to section 9.8 of part 9 of title 28, Code of Federal Regulations (or any successor to that regulation); and

“(B) includes any person who is the victim of the offense giving rise to the forfeiture, or of any offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity.”.

**SEC. 3343. BANKRUPTCY PROCEEDINGS NOT USED TO  
SHIELD ILLEGAL GAINS FROM FALSE  
CLAIMS.**

(a) CERTAIN ACTIONS NOT STAYED BY BANKRUPTCY PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the commencement or continuation of an action under section 3729 of title 31, United States Code, does not operate as a stay under sec-

1       tion 105(a) or 362(a)(1) of title 11, United States  
2       Code.

3           (2)     CONFORMING     AMENDMENT.—Section  
4       362(b) of title 11, United States Code, is  
5       amended—

6                   (A) in paragraph (17), by striking “or” at  
7       the end;

8                   (B) in paragraph (18), by striking the pe-  
9       riod at the end and inserting “; or”; and

10                  (C) by adding at the end the following:

11           “(19) the commencement or continuation of an  
12       action under section 3729 of title 31.”.

13       (b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANK-  
14       RUPTCY.—Section 523 of title 11, United States Code, is  
15       amended by adding at the end the following:

16       “(f) A discharge under section 727, 1141, 1228(a),  
17       1228(b), or 1328(b) does not discharge a debtor from a  
18       debt owed for violating section 3729 of title 31.”.

19       (c) REPAYMENT OF CERTAIN DEBTS CONSIDERED  
20       FINAL.—

21           (1) IN GENERAL.—Chapter 1 of title 11, United  
22       States Code, is amended by adding at the end the  
23       following:

1 **“§ 111. False claims**

2 “No transfer on account of a debt owed to the United  
3 States for violating 3729 of title 31, or under a com-  
4 promise order or other agreement resolving such a debt  
5 may be avoided under section 544, 545, 547, 548, 549,  
6 553(b), or 742(a).”.

7 (2) CONFORMING AMENDMENT.—The analysis  
8 for chapter 1 of title 11, United States Code, is  
9 amended by adding at the end the following:

“111. False claims.”.

10 **SEC. 3344. FORFEITURE FOR RETIREMENT OFFENSES.**

11 (a) CRIMINAL FORFEITURE.—Section 982(a) of title  
12 18, United States Code, is amended by adding at the end  
13 the following:

14 “(9) CRIMINAL FORFEITURE.—

15 “(A) IN GENERAL.—The court, in imposing  
16 sentence on a person convicted of a retirement of-  
17 fense, shall order the person to forfeit property, real  
18 or personal, that constitutes or that is derived, di-  
19 rectly or indirectly, from proceeds traceable to the  
20 commission of the offense.

21 “(B) RETIREMENT OFFENSE DEFINED.—In  
22 this paragraph, the term ‘retirement offense’ means  
23 a violation of any of the following provisions of law,  
24 if the violation, conspiracy, or solicitation relates to

1 a retirement arrangement (as defined in section  
2 1348 of title 18, United States Code):

3 “(i) Section 664, 1001, 1027, 1341, 1343,  
4 1348, 1951, 1952, or 1954 of title 18, United  
5 States Code.

6 “(ii) Sections 411, 501, or 511 of the Em-  
7 ployee Retirement Income Security Act of 1974  
8 (29 U.S.C. 1111, 1131, 1141).”.

9 (b) CIVIL FORFEITURE.—Section 981(a)(1) of title  
10 18, United States Code, is amended by adding at the end  
11 the following:

12 “(G) Any property, real or personal, that con-  
13 stitutes or is derived, directly or indirectly, from pro-  
14 ceeds traceable to the commission of a violation of,  
15 a criminal conspiracy to violated or solicitation to  
16 commit a crime of violence involving a retirement of-  
17 fense (as defined in section 982(a)(9)(B)).”.

## 18 **Subtitle D—Violent Crime**

### 19 **Reduction Trust Fund**

#### 20 **SEC. 3401. EXTENSION OF VIOLENT CRIME REDUCTION** 21 **TRUST FUND.**

22 (a) IN GENERAL.—Section 310001(b) of the Violent  
23 Crime Control and Law Enforcement Act of 1994 (42  
24 U.S.C. 14211) is amended by striking paragraphs (1)  
25 through (5) and inserting the following:



1 “(1) for fiscal year 2002, \$6,169,000,000;  
 2 “(2) for fiscal year 2003, \$6,316,000,000;  
 3 “(3) for fiscal year 2004, \$6,458,000,000; and  
 4 “(4) for fiscal year 2005, \$6,616,000,000.”.

5 (b) DISCRETIONARY LIMITS.—Title XXXI of the Vio-  
 6 lent Crime Control and Law Enforcement Act of 1994 (42  
 7 U.S.C. 14211 et seq.) is amended by inserting after sec-  
 8 tion 310001 the following:

9 **“SEC. 310002. DISCRETIONARY LIMITS.**

10 “For the purposes of allocations made for the discre-  
 11 tionary category under section 302(a) of the Congressional  
 12 Budget Act of 1974 (2 U.S.C. 633(a)), the term ‘discre-  
 13 tionary spending limit’ means—

14 “(1) with respect to fiscal year 2002—

15 “(A) for the discretionary category,  
 16 amounts of budget authority and outlays nec-  
 17 essary to adjust the discretionary spending lim-  
 18 its to reflect the changes in subparagraph (B)  
 19 as determined by the Chairman of the Com-  
 20 mittee on the Budget of the House of Rep-  
 21 resentatives and the Chairman of the Com-  
 22 mittee on the Budget of the Senate; and

23 “(B) for the violent crime reduction cat-  
 24 egory, \$6,169,000,000 in new budget authority  
 25 and \$6,020,000,000 in outlays;

1 “(2) with respect to fiscal year 2003—

2 “(A) for the discretionary category,  
3 amounts of budget authority and outlays nec-  
4 essary to adjust the discretionary spending lim-  
5 its to reflect the changes in subparagraph (B)  
6 as determined by the Chairman of the Com-  
7 mittee on the Budget of the House of Rep-  
8 resentatives and the Chairman of the Com-  
9 mittee on the Budget of the Senate; and

10 “(B) for the violent crime reduction cat-  
11 egory, \$6,316,000,000 in new budget authority  
12 and \$6,161,000,000 in outlays;

13 “(3) with respect to fiscal year 2004—

14 “(A) for the discretionary category,  
15 amounts of budget authority and outlays nec-  
16 essary to adjust the discretionary spending lim-  
17 its to reflect the changes in subparagraph (B)  
18 as determined by the Chairman of the Com-  
19 mittee on the Budget of the House of Rep-  
20 resentatives and the Chairman of the Com-  
21 mittee on the Budget of the Senate; and

22 “(B) for the violent crime reduction cat-  
23 egory, \$6,459,000,000 in new budget authority  
24 and \$6,303,000,000 in outlays; and

25 “(4) with respect to fiscal year 2005—

1           “(A) for the discretionary category,  
2           amounts of budget authority and outlays nec-  
3           essary to adjust the discretionary spending lim-  
4           its to reflect the changes in subparagraph (B)  
5           as determined by the Chairman of the Com-  
6           mittee on the Budget of the House of Rep-  
7           resentatives and the Chairman of the Com-  
8           mittee on the Budget of the Senate; and

9           “(B) for the violent crime reduction cat-  
10          egory, \$6,616,000 in new budget authority and  
11          \$6,452,000,000 in outlays;

12         as adjusted in accordance with section 251(b) of the  
13         Balanced Budget and Emergency Deficit Control  
14         Act of 1985 (2 U.S.C. 901(b)) and section 314 of  
15         the Congressional Budget Act of 1974.”.

1 **TITLE IV—BREAKING THE**  
 2 **CYCLE OF DRUGS AND VIO-**  
 3 **LENCE**

4 **Subtitle A—Drug Courts, Drug**  
 5 **Treatment, and Alternative Sen-**  
 6 **tencing**

7 **PART 1—EXPANSION OF DRUG COURTS**

8 **SEC. 4111. REAUTHORIZATION OF DRUG COURTS PRO-**  
 9 **GRAM.**

10 (a) REPEAL.—Section 114(b)(1)(A) of title I of Pub-  
 11 lic Law 104–134 is repealed.

12 (b) REAUTHORIZATION.—Section 1001(a)(20) of title  
 13 I of the Omnibus Crime Control and Safe Streets Act of  
 14 1968 (42 U.S.C. 3793(a)(20)) is amended—

15 (1) in subparagraph (E), by striking “and” at  
 16 the end;

17 (2) in subparagraph (F), by striking the period  
 18 at the end and inserting a semicolon; and

19 (3) by adding at the end the following:

20 “(G) \$400,000,000 for fiscal year 2002; and

21 “(H) \$400,000,000 for fiscal year 2003.”.

22 **SEC. 4112. JUVENILE DRUG COURTS.**

23 Title I of the Omnibus Crime Control and Safe  
 24 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
 25 by inserting after part BB the following:

1           **“PART Z—JUVENILE DRUG COURTS**

2   **“SEC. 2976. GRANT AUTHORITY.**

3           “(a) APPROPRIATE DRUG COURT PROGRAMS.—The  
4 Attorney General may make grants to States, State  
5 courts, local courts, units of local government, and Indian  
6 tribes to establish programs that—

7                   “(1) involve continuous early judicial super-  
8 vision over juvenile offenders, other than violent ju-  
9 venile offenders with substance abuse, or substance  
10 abuse-related problems; and

11                   “(2) integrate administration of other sanctions  
12 and services, including—

13                           “(A) mandatory periodic testing for the  
14 use of controlled substances or other addictive  
15 substances during any period of supervised re-  
16 lease or probation for each participant;

17                           “(B) substance abuse treatment for each  
18 participant;

19                           “(C) diversion, probation, or other super-  
20 vised release involving the possibility of prosecu-  
21 tion, confinement, or incarceration based on  
22 noncompliance with program requirements or  
23 failure to show satisfactory progress;

24                           “(D) programmatic, offender management,  
25 and aftercare services such as relapse preven-  
26 tion, health care, education, vocational training,

1           job placement, housing placement, and child  
2           care or other family support service for each  
3           participant who requires such services;

4                 “(E) payment by the offender of treatment  
5           costs, to the extent practicable, such as costs  
6           for urinalysis or counseling; or

7                 “(F) payment by the offender of restitu-  
8           tion, to the extent practicable, to either a victim  
9           of the offense at issue or to a restitution or  
10          similar victim support fund.

11         “(b) CONTINUED AVAILABILITY OF GRANT  
12 FUNDS.—Amounts made available under this part shall  
13 remain available until expended.

14 **“SEC. 2977. PROHIBITION OF PARTICIPATION BY VIOLENT**  
15 **OFFENDERS.**

16         “The Attorney General shall issue regulations and  
17 guidelines to ensure that the programs authorized in this  
18 part do not permit participation by violent offenders.

19 **“SEC. 2978. DEFINITION.**

20         “In this part, the term ‘violent offender’ means an  
21 individual charged with an offense during the course of  
22 which—

23                 “(1) the individual carried, possessed, or used a  
24         firearm or dangerous weapon;

1           “(2) the death of or serious bodily injury of an-  
2           other person occurred as a direct result of the com-  
3           mission of such offense; or

4           “(3) the individual used force against the per-  
5           son of another.

6   **“SEC. 2979. ADMINISTRATION.**

7           “(a) REGULATORY AUTHORITY.—The Attorney Gen-  
8           eral shall issue any regulations and guidelines necessary  
9           to carry out this part.

10          “(b) APPLICATIONS.—In addition to any other re-  
11          quirements that may be specified by the Attorney General,  
12          an application for a grant under this part shall—

13               “(1) include a long term strategy and detailed  
14               implementation plan;

15               “(2) explain the inability of the applicant to  
16               fund the program adequately without Federal assist-  
17               ance;

18               “(3) certify that the Federal support provided  
19               will be used to supplement, and not supplant, State,  
20               tribal, or local sources of funding that would other-  
21               wise be available;

22               “(4) identify related governmental or commu-  
23               nity initiatives that complement or will be coordi-  
24               nated with the proposal;

1           “(5) certify that there has been appropriate  
2           consultation with all affected agencies and that there  
3           will be appropriate coordination with all affected  
4           agencies in the implementation of the program;

5           “(6) certify that participating offenders will be  
6           supervised by one or more designated judges with re-  
7           sponsibility for the drug court program;

8           “(7) specify plans for obtaining necessary sup-  
9           port and continuing the proposed program following  
10          the conclusion of Federal support; and

11          “(8) describe the methodology that will be used  
12          in evaluating the program.

13   **“SEC. 2980. APPLICATIONS.**

14          “To request funds under this part, the chief executive  
15   or the chief justice of a State, or the chief executive or  
16   chief judge of a unit of local government or Indian tribe  
17   shall submit an application to the Attorney General in  
18   such form and containing such information as the Attor-  
19   ney General may reasonably require.

20   **“SEC. 2981. FEDERAL SHARE.**

21          “(a) IN GENERAL.—The Federal share of a grant  
22   made under this part may not exceed 75 percent of the  
23   total costs of the program described in the application sub-  
24   mitted under section 2605 for the fiscal year for which  
25   the program receives assistance under this part.



1           “(b) WAIVER.—The Attorney General may waive, in  
2   whole or in part, the requirement of a matching contribu-  
3   tion under subsection (a).

“(c) IN-KIND CONTRIBUTIONS.—In-kind contribu-  
tions may constitute a portion of the non-Federal share  
of a grant under this part.

7 **“SEC. 2982. DISTRIBUTION OF FUNDS.**

8           “(a) GEOGRAPHICAL DISTRIBUTION.—The Attorney  
9   General shall ensure that, to the extent practicable, an eq-  
10   uitable geographic distribution of grant awards is made.

11           “(b) INDIAN TRIBES.—The Attorney General shall  
12 allocate 0.75 percent of amounts made available under  
13 this subtitle for grants to Indian tribes.

14   **“SEC. 2983. REPORT.**

15       “A State, Indian tribe, or unit of local government  
16 that receives funds under this part during a fiscal year  
17 shall submit to the Attorney General, in March of the year  
18 following receipt of a grant under this part, a report re-  
19 garding the effectiveness of programs established pursu-  
20 ant to this part.

21 “SEC. 2984. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-  
22 UATION.

23           “(a) TECHNICAL ASSISTANCE AND TRAINING.—The  
24 Attorney General may provide technical assistance and  
25 training in furtherance of the purposes of this part.

1       “(b) EVALUATIONS.—In addition to any evaluation  
 2 requirements that may be prescribed for grantees, the At-  
 3 torney General may carry out or make arrangements for  
 4 evaluations of programs that receive support under this  
 5 part.

6       “(c) ADMINISTRATION.—The technical assistance,  
 7 training, and evaluations authorized by this section may  
 8 be carried out directly by the Attorney General, in collabo-  
 9 ration with the Secretary of Health and Human Services,  
 10 or through grants, contracts, or other cooperative arrange-  
 11 ments with other entities.

12 **“SEC. 2985. UNAWARDED FUNDS.**

13       “The Attorney General may reallocate any grant  
 14 funds that are not awarded for juvenile drug courts under  
 15 this part for use for other juvenile delinquency and crime  
 16 prevention initiatives.

17 **“SEC. 2986. AUTHORIZATION OF APPROPRIATIONS.**

18       “There are authorized to be appropriated to carry out  
 19 this part from the Violent Crime Reduction Trust Fund—

20               “(1) such sums as may be necessary for each  
 21 of fiscal years 2002 and 2003;

22               “(2) \$50,000,000 for fiscal year 2004; and

23               “(3) \$50,000,000 for fiscal year 2005.”.

1       **PART 2—ZERO TOLERANCE DRUG TESTING**

2       **SEC. 4121. GRANT AUTHORITY.**

3           The Attorney General may make grants to States and  
4 units of local government, State courts, local courts, and  
5 Indian tribal governments, acting directly or through  
6 agreements with other public or private entities, for pro-  
7 grams that support—

8           (1) developing and/or implementing comprehen-  
9 sive drug testing policies and practices with regard  
10 to criminal justice populations; and

11          (2) establishing appropriate interventions to il-  
12 legal drug use for offender populations. Applicants  
13 may choose to submit joint proposals with other eli-  
14 gible criminal justice/court agencies for systemic  
15 drug testing and intervention programs; in this case,  
16 one organization must be designated as the primary  
17 applicant.

18       **SEC. 4122. ADMINISTRATION.**

19          (a) CONSULTATION/COORDINATION.—In carrying out  
20 section 4121, the Attorney General shall coordinate with  
21 the other Justice Department initiatives that address drug  
22 testing and interventions in the criminal justice system.

23          (b) GUIDELINES.—The Attorney General may issue  
24 guidelines necessary to carry out section 4121.

1 (c) APPLICATIONS.—In addition to any other require-  
2 ments that may be specified by the Attorney General, an  
3 application for a grant under section 4121 shall—

4 (1) reflect a comprehensive approach that rec-  
5 ognizes the importance of collaboration and a con-  
6 tinuum of testing, treatment, and other interven-  
7 tions;

8 (2) include a long-term strategy and detailed  
9 implementation plan;

10 (3) address the applicant’s capability to con-  
11 tinue the proposed program following the conclusion  
12 of Federal support;

13 (4) identify related governmental or community  
14 initiatives which complement or will be coordinated  
15 with the proposal;

16 (5) certify that there has been appropriate con-  
17 sultation with affected agencies and key stakeholders  
18 throughout the criminal justice system and that  
19 there will be continued coordination throughout the  
20 implementation of the program; and

21 (6) describe the methodology that will be used  
22 in evaluating the program.

23 **SEC. 4123. APPLICATIONS.**

24 To request funds under section 4121, interested ap-  
25 plicants shall submit an application to the Attorney Gen-

1 eral in such form and containing such information as the  
2 Attorney General may reasonably require. Federal funding  
3 shall be awarded on a competitive basis based on criteria  
4 established by the Attorney General and specified in pro-  
5 gram guidelines.

6 **SEC. 4124. FEDERAL SHARE.**

7       The Federal share of a grant made under section  
8 4121 may not exceed 75 percent of the total cost of the  
9 program described in the application submitted for the fis-  
10 cal year for which the program receives assistance under  
11 section 4121, unless the Attorney General waives, wholly  
12 or in part, the requirement of a matching contribution  
13 under this section. In-kind contributions may constitute  
14 a portion of the non-federal share of a grant.

15 **SEC. 4125. GEOGRAPHIC DISTRIBUTION.**

16       The Attorney General shall ensure that, to the extent  
17 practicable, an equitable geographic distribution of grant  
18 awards under section 4121 is made, with rural and tribal  
19 jurisdiction representation.

20 **SEC. 4126. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**  
21 **UATION.**

22       (a) **TECHNICAL ASSISTANCE AND TRAINING.**—The  
23 Attorney General shall provide technical assistance and  
24 training in furtherance of the purposes of section 4121.

1       (b) EVALUATION.—In addition to any evaluation re-  
2       quirements that may be prescribed for grantees, the Attor-  
3       ney General may carry out or make arrangements for a  
4       rigorous evaluation of the programs that receive support  
5       under section 4121.

6       (c) ADMINISTRATION.—The technical assistance,  
7       training, and evaluations authorized by this section may  
8       be carried out directly by the Attorney General or through  
9       grants, contracts, or cooperative agreements with other  
10      entities.

11      **SEC. 4127. AUTHORIZATION OF APPROPRIATIONS.**

12      There are authorized to be appropriated to carry out  
13      sections 4122 through 4126 \$75,000,000 for fiscal year  
14      2002 and such sums as may be necessary for fiscal years  
15      2003 through 2006.

16      **SEC. 4128. PERMANENT SET-ASIDE FOR RESEARCH AND**  
17                                      **EVALUATION.**

18      The Attorney General shall reserve not less than 1  
19      percent and no more than 3 percent of the sums appro-  
20      priated under section 4127 in each fiscal year for research  
21      and evaluation of this program.

1 **SEC. 4129. ADDITIONAL REQUIREMENTS FOR THE USE OF**  
2 **FUNDS UNDER THE VIOLENT OFFENDER IN-**  
3 **CARCERATION AND TRUTH-IN-SENTENCING**  
4 **GRANT PROGRAMS.**

5 Section 20105(b) of the Violent Crime Control and  
6 Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is  
7 amended to read as follows:

8 “(b) Additional Requirements.—

9 “(1) ELIGIBILITY FOR GRANT.—To be eligible  
10 to receive a grant under section 20103 or section  
11 20104, a State shall—

12 “(A) provide assurances to the Attorney  
13 General that the State has implemented or will  
14 implement not later than 18 months after the  
15 date of the enactment of this subtitle, policies  
16 that provide for the recognition of the rights of  
17 crime victims; and

18 “(B) no later than September 1, 2002,  
19 have a program of drug testing and interven-  
20 tion for appropriate categories of convicted of-  
21 fenders during periods of incarceration and  
22 criminal justice supervision, with sanctions in-  
23 cluding denial or revocation of release for posi-  
24 tive drug tests, consistent with guidelines issued  
25 by the Attorney General.

1           “(2) USE OF FUNDS.—Funds provided under  
2       section 20103 or section 20104 of this subtitle may  
3       be applied to the cost of offender drug testing and  
4       appropriate intervention programs during periods of  
5       incarceration and criminal justice supervision, con-  
6       sistent with guidelines issued by the Attorney Gen-  
7       eral. Further, such funds may be used by the States  
8       to pay the costs of providing to the Attorney General  
9       a baseline study on their prison drug abuse problem.  
10      Such studies shall be consistent with guidelines  
11      issued by the Attorney General.

12           “(3) SYSTEM OF SANCTIONS AND PENALTIES.—  
13      Beginning in fiscal year 2002, and thereafter, States  
14      receiving funds pursuant to section 20103 or section  
15      20104 of this subtitle shall have a system of sanc-  
16      tions and penalties that address drug trafficking  
17      within and into correctional facilities under their ju-  
18      risdiction. Such systems shall be in accordance with  
19      guidelines issued by the Attorney General. Begin-  
20      ning in fiscal year 2002, and each year thereafter,  
21      any State that the Attorney General determines not  
22      to be in compliance with the provisions of this para-  
23      graph shall have the funds it would have otherwise  
24      been eligible to receive under section 20103 or sec-  
25      tion 20104 reduced by 10 percent for each fiscal



1 year for which the Attorney General determines it  
 2 does not comply. Any funds that are not allocated  
 3 for failure to comply with this section shall be reallo-  
 4 cated to States that comply with this section.”.

5 **PART 3—DRUG TREATMENT**

6 **SEC. 4131. DRUG TREATMENT ALTERNATIVE TO PRISON**  
 7 **PROGRAMS ADMINISTERED BY STATE OR**  
 8 **LOCAL PROSECUTORS.**

9 (a) PROSECUTION DRUG TREATMENT ALTERNATIVE  
 10 TO PRISON PROGRAMS.—Title I of the Omnibus Crime  
 11 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
 12 et seq.) is amended by adding at the end the following  
 13 new part:

14 **“PART CC—PROSECUTION DRUG TREATMENT**  
 15 **ALTERNATIVE TO PRISON PROGRAMS**

16 **“SEC. 2901. PROGRAM AUTHORIZED.**

17 “(a) IN GENERAL.—The Attorney General may make  
 18 grants to State or local prosecutors for the purpose of de-  
 19 veloping, implementing, or expanding drug treatment al-  
 20 ternative to prison programs that comply with the require-  
 21 ments of this part.

22 “(b) USE OF FUNDS.—A State or local prosecutor  
 23 who receives a grant under this part shall use amounts  
 24 provided under the grant to develop, implement, or expand  
 25 the drug treatment alternative to prison program for

1 which the grant was made, which may include payment  
2 of the following expenses:

3 “(1) Salaries, personnel costs, equipment costs,  
4 and other costs directly related to the operation of  
5 the program, including the enforcement unit.

6 “(2) Payments to licensed substance abuse  
7 treatment providers for providing treatment to of-  
8 fenders participating in the program for which the  
9 grant was made, including aftercare supervision, vo-  
10 cational training, education, and job placement.

11 “(3) Payments to public and nonprofit private  
12 entities for providing treatment to offenders partici-  
13 pating in the program for which the grant was  
14 made.

15 “(c) FEDERAL SHARE.—The Federal share of a  
16 grant under this part shall not exceed 75 percent of the  
17 cost of the program.

18 “(d) SUPPLEMENT AND NOT SUPPLANT.—Grant  
19 amounts received under this part shall be used to supple-  
20 ment, and not supplant, non-Federal funds that would  
21 otherwise be available for activities funded under this part.

22 **“SEC. 2902. PROGRAM REQUIREMENTS.**

23 “A drug treatment alternative to prison program with  
24 respect to which a grant is made under this part shall  
25 comply with the following requirements:

1           “(1) A State or local prosecutor shall admin-  
2           ister the program.

3           “(2) An eligible offender may participate in the  
4           program only with the consent of the State or local  
5           prosecutor.

6           “(3) Each eligible offender who participates in  
7           the program shall, as an alternative to incarceration,  
8           be sentenced to or placed with a long term, drug  
9           free residential substance abuse treatment provider  
10          that is licensed under State or local law.

11          “(4) Each eligible offender who participates in  
12          the program shall serve a sentence of imprisonment  
13          with respect to the underlying crime if that offender  
14          does not successfully complete treatment with the  
15          residential substance abuse provider.

16          “(5) Each residential substance abuse provider  
17          treating an offender under the program shall—

18                 “(A) make periodic reports of the progress  
19                 of treatment of that offender to the State or  
20                 local prosecutor carrying out the program and  
21                 to the appropriate court in which the defendant  
22                 was convicted; and

23                 “(B) notify that prosecutor and that court  
24                 if that offender absconds from the facility of

1           the treatment provider or otherwise violates the  
2           terms and conditions of the program.

3           “(6) The program shall have an enforcement  
4           unit comprised of law enforcement officers under the  
5           supervision of the State or local prosecutor carrying  
6           out the program, the duties of which shall include  
7           verifying an offender’s addresses and other contacts,  
8           and, if necessary, locating, apprehending, and ar-  
9           resting an offender who has absconded from the fa-  
10          cility of a residential substance abuse treatment pro-  
11          vider or otherwise violated the terms and conditions  
12          of the program, and returning such offender to court  
13          for sentence on the underlying crime.

14   **“SEC. 2903. APPLICATIONS.**

15          “(a) IN GENERAL.—To request a grant under this  
16          part, a State or local prosecutor shall submit an applica-  
17          tion to the Attorney General in such form and containing  
18          such information as the Attorney General may reasonably  
19          require.

20          “(b) CERTIFICATIONS.—Each such application shall  
21          contain the certification of the State or local prosecutor  
22          that the program for which the grant is requested shall  
23          meet each of the requirements of this part.

1 **“SEC. 2904. GEOGRAPHIC DISTRIBUTION.**

2 “The Attorney General shall ensure that, to the ex-  
3 tent practicable, the distribution of grant awards is equi-  
4 table and includes State or local prosecutors—

5 “(1) in each State; and

6 “(2) in rural, suburban, and urban jurisdic-  
7 tions.

8 **“SEC. 2905. REPORTS AND EVALUATIONS.**

9 “For each fiscal year, each recipient of a grant under  
10 this part during that fiscal year shall submit to the Attor-  
11 ney General a report regarding the effectiveness of activi-  
12 ties carried out using that grant. Each report shall include  
13 an evaluation in such form and containing such informa-  
14 tion as the Attorney General may reasonably require. The  
15 Attorney General shall specify the dates on which such  
16 reports shall be submitted.

17 **“SEC. 2906. DEFINITIONS.**

18 “In this part:

19 “(1) **ELIGIBLE OFFENDER.**—The term ‘eligible  
20 offender’ means an individual who—

21 “(A) has been convicted of, or pled guilty  
22 to, or admitted guilt with respect to a crime for  
23 which a sentence of imprisonment is required  
24 and has not completed such sentence;

25 “(B) has never been convicted of, or pled  
26 guilty to, or admitted guilt with respect to, and

1 is not presently charged with, a felony crime of  
2 violence or a major drug offense or a crime that  
3 is considered a violent felony under State or  
4 local law; and

5 “(C) has been found by a professional sub-  
6 stance abuse screener to be in need of sub-  
7 stance abuse treatment because that offender  
8 has a history of substance abuse that is a sig-  
9 nificant contributing factor to that offender’s  
10 criminal conduct.

11 “(2) FELONY CRIME OF VIOLENCE.—The term  
12 ‘felony crime of violence’ has the meaning given such  
13 term in section 924(c)(3) of title 18, United States  
14 Code.

15 “(3) MAJOR DRUG OFFENSE.—The term ‘major  
16 drug offense’ has the meaning given such term in  
17 section 36(a) of title 18, United States Code.

18 “(4) STATE OR LOCAL PROSECUTOR.—The  
19 term ‘State or local prosecutor’ means any district  
20 attorney, State attorney general, county attorney, or  
21 corporation counsel who has authority to prosecute  
22 criminal offenses under State or local law.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 1001(a) of title I of the Omnibus Crime Control and Safe

1 Street Act of 1968 (42 U.S.C. 3793(a)) is amended by  
 2 adding at the end the following new paragraph:

3 “(24) There are authorized to be appropriated  
 4 to carry out part CC—

5 “(A) \$75,000,000 for fiscal year 2002;

6 “(B) \$85,000,000 for fiscal year 2003;

7 “(C) \$95,000,000 for fiscal year 2004;

8 “(D) \$105,000,000 for fiscal year 2005;

9 and

10 “(E) \$125,000,000 for fiscal year 2006.”.

11 **SEC. 4132. SUBSTANCE ABUSE TREATMENT IN FEDERAL**  
 12 **PRISONS REAUTHORIZATION.**

13 Section 3621(e)(4) of title 18, United States Code,  
 14 is amended by striking subparagraph (E) and inserting  
 15 the following:

16 “(E) \$31,000,000 for fiscal year 2002; and

17 “(F) \$38,000,000 for fiscal year 2003.”.

18 **SEC. 4133. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**  
 19 **FOR STATE PRISONERS REAUTHORIZATION**

20 (a) REAUTHORIZATION.—Paragraph (17) of section  
 21 1001(a) of title I of the Omnibus Crime Control and Safe  
 22 Streets Act of 1968 (42 U.S.C. 3793(a)(17)) is amended  
 23 to read as follows:

24 “(17) There are authorized to be appropriated  
 25 to carry out part S \$100,000,000 for fiscal year

1       2002 and such sums as may be necessary for fiscal  
2       years 2003 through 2007.”.

3       (b) USE OF RESIDENTIAL SUBSTANCE ABUSE  
4 TREATMENT GRANTS TO PROVIDE FOR SERVICES DUR-  
5 ING AND AFTER INCARCERATION.—Section 1901 of title  
6 I of the Omnibus Crime Control and Safe Streets Act of  
7 1968 (42 U.S.C. 3796ff) is amended by adding at the end  
8 the following:

9       “(c) ADDITIONAL USE OF FUNDS.—States that dem-  
10 onstrate that they have existing in-prison drug treatment  
11 programs that are in compliance with Federal require-  
12 ments may use funds awarded under this part for treat-  
13 ment and sanctions both during incarceration and after  
14 release.”.

15 **SEC. 4134. DRUG TREATMENT FOR JUVENILES.**

16       Title V of the Public Health Service Act (42 U.S.C.  
17 290aa et seq.) is amended by adding at the end the fol-  
18 lowing:

19 **“PART G—RESIDENTIAL TREATMENT PROGRAMS**  
20 **FOR JUVENILES**

21 **“SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JU-**  
22 **VENILES.**

23       “(a) IN GENERAL.—The Director of the Center for  
24 Substance Abuse Treatment shall award grants to, or  
25 enter into cooperative agreements or contracts, with public



1 and nonprofit private entities for the purpose of providing  
2 treatment to juveniles for substance abuse through pro-  
3 grams in which, during the course of receiving such treat-  
4 ment the juveniles reside in facilities made available by  
5 the programs.

6 “(b) AVAILABILITY OF SERVICES FOR EACH PARTIC-  
7 IPANT.—A funding agreement for an award under sub-  
8 section (a) for an applicant is that, in the program oper-  
9 ated pursuant to such subsection—

10 “(1) treatment services will be available  
11 through the applicant, either directly or through  
12 agreements with other public or nonprofit private  
13 entities; and

14 “(2) the services will be made available to each  
15 person admitted to the program.

16 “(c) INDIVIDUALIZED PLAN OF SERVICES.—A fund-  
17 ing agreement for an award under subsection (a) for an  
18 applicant is that—

19 “(1) in providing authorized services for an eli-  
20 gible person pursuant to such subsection, the appli-  
21 cant will, in consultation with the juvenile and, if ap-  
22 propriate the parent or guardian of the juvenile, pre-  
23 pare an individualized plan for the provision to the  
24 juvenile or young adult of the services; and

1           “(2) treatment services under the plan will  
2       include—

3           “(A) individual, group, and family coun-  
4       seling, as appropriate, regarding substance  
5       abuse; and

6           “(B) followup services to assist the juvenile  
7       or young adult in preventing a relapse into such  
8       abuse.

9       “(d) ELIGIBLE SUPPLEMENTAL SERVICES.—Grants  
10     under subsection (a) may be used to provide an eligible  
11     juvenile, the following services:

12           “(1) HOSPITAL REFERRALS.—Referrals for nec-  
13       essary hospital services.

14           “(2) HIV AND AIDS COUNSELING.—Counseling  
15       on the human immunodeficiency virus and on ac-  
16       quired immune deficiency syndrome.

17           “(3) DOMESTIC VIOLENCE AND SEXUAL ABUSE  
18       COUNSELING.—Counseling on domestic violence and  
19       sexual abuse.

20           “(4) PREPARATION FOR REENTRY INTO SOCI-  
21       ETY.—Planning for and counseling to assist reentry  
22       into society, both before and after discharge, includ-  
23       ing referrals to any public or nonprofit private enti-  
24       ties in the community involved that provide services  
25       appropriate for the juvenile.

1       “(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF  
2 AWARD.—

3               “(1) CERTIFICATION BY RELEVANT STATE  
4 AGENCY.—With respect to the principal agency of a  
5 State or Indian tribe that administers programs re-  
6 lating to substance abuse, the Director may award  
7 a grant to, or enter into a cooperative agreement or  
8 contract with, an applicant only if the agency or In-  
9 dian tribe has certified to the Director that—

10               “(A) the applicant has the capacity to  
11 carry out a program described in subsection (a);

12               “(B) the plans of the applicant for such a  
13 program are consistent with the policies of such  
14 agency regarding the treatment of substance  
15 abuse; and

16               “(C) the applicant, or any entity through  
17 which the applicant will provide authorized  
18 services, meets all applicable State licensure or  
19 certification requirements regarding the provi-  
20 sion of the services involved.

21       “(2) STATUS AS MEDICAID PROVIDER.—

22               “(A) IN GENERAL.—Subject to subpara-  
23 graphs (B) and (C), the Director may make a  
24 grant, or enter into a cooperative agreement or  
25 contract, under subsection (a) only if, in the

1 case of any authorized service that is available  
2 pursuant to the State plan approved under title  
3 XIX of the Social Security Act (42 U.S.C. 1396  
4 et seq.) for the State involved—

5 “(i) the applicant for the grant, coop-  
6 erative agreement, or contract will provide  
7 the service directly, and the applicant has  
8 entered into a participation agreement  
9 under the State plan and is qualified to re-  
10 ceive payments under such plan; or

11 “(ii) the applicant will enter into an  
12 agreement with a public or nonprofit pri-  
13 vate entity under which the entity will pro-  
14 vide the service, and the entity has entered  
15 into such a participation agreement plan  
16 and is qualified to receive such payments.

17 “(B) SERVICES.—

18 “(i) IN GENERAL.—In the case of an  
19 entity making an agreement pursuant to  
20 subparagraph (A)(ii) regarding the provi-  
21 sion of services, the requirement estab-  
22 lished in such subparagraph regarding a  
23 participation agreement shall be waived by  
24 the Director if the entity does not, in pro-  
25 viding health care services, impose a

1 charge or accept reimbursement available  
2 from any third party payor, including re-  
3 imbursement under any insurance policy or  
4 under any Federal or State health benefits  
5 plan.

6 “(ii) VOLUNTARY DONATIONS.—A de-  
7 termination by the Director of whether an  
8 entity referred to in clause (i) meets the  
9 criteria for a waiver under such clause  
10 shall be made without regard to whether  
11 the entity accepts voluntary donations re-  
12 garding the provision of services to the  
13 public.

14 “(C) MENTAL DISEASES.—

15 “(i) IN GENERAL.—With respect to  
16 any authorized service that is available  
17 pursuant to the State plan described in  
18 subparagraph (A), the requirements estab-  
19 lished in such subparagraph shall not  
20 apply to the provision of any such service  
21 by an institution for mental diseases to an  
22 individual who has attained 21 years of  
23 age and who has not attained 65 years of  
24 age.

1                   “(ii) DEFINITION OF INSTITUTION  
2                   FOR MENTAL DISEASES.—In this subpara-  
3                   graph, the term ‘institution for mental dis-  
4                   eases’ has the same meaning as in section  
5                   1905(i) of the Social Security Act (42  
6                   U.S.C. 1396d(i)).

7                   “(f) REQUIREMENTS FOR MATCHING FUNDS.—

8                   “(1) IN GENERAL.—With respect to the costs of  
9                   the program to be carried out by an applicant pursu-  
10                  ant to subsection (a), a funding agreement for an  
11                  award under such subsection is that the applicant  
12                  will make available (directly or through donations  
13                  from public or private entities) non-Federal con-  
14                  tributions toward such costs in an amount that—

15                  “(A) for the first fiscal year for which the  
16                  applicant receives payments under an award  
17                  under such subsection, is not less than \$1 for  
18                  each \$9 of Federal funds provided in the  
19                  award;

20                  “(B) for any second such fiscal year, is not  
21                  less than \$1 for each \$9 of Federal funds pro-  
22                  vided in the award; and

23                  “(C) for any subsequent such fiscal year, is  
24                  not less than \$1 for each \$3 of Federal funds  
25                  provided in the award.

1           “(2) DETERMINATION OF AMOUNT CONTRIB-  
2           UTED.—Non-Federal contributions required in para-  
3           graph (1) may be in cash or in kind, fairly evalu-  
4           ated, including plant, equipment, or services.  
5           Amounts provided by the Federal Government, or  
6           services assisted or subsidized to any significant ex-  
7           tent by the Federal Government, may not be in-  
8           cluded in determining the amount of such non-Fed-  
9           eral contributions.

10          “(g) OUTREACH.—A funding agreement for an award  
11          under subsection (a) for an applicant is that the applicant  
12          will provide outreach services in the community involved  
13          to identify juveniles who are engaging in substance abuse  
14          and to encourage the juveniles to undergo treatment for  
15          such abuse.

16          “(h) ACCESSIBILITY OF PROGRAM.—A funding  
17          agreement for an award under subsection (a) for an appli-  
18          cant is that the program operated pursuant to such sub-  
19          section will be operated at a location that is accessible to  
20          low income juveniles.

21          “(i) CONTINUING EDUCATION.—A funding agree-  
22          ment for an award under subsection (a) is that the appli-  
23          cant involved will provide for continuing education in  
24          treatment services for the individuals who will provide

1 treatment in the program to be operated by the applicant  
2 pursuant to such subsection.

3 “(j) IMPOSITION OF CHARGES.—A funding agree-  
4 ment for an award under subsection (a) for an applicant  
5 is that, if a charge is imposed for the provision of author-  
6 ized services to or on behalf of an eligible juvenile, such  
7 charge—

8 “(1) will be made according to a schedule of  
9 charges that is made available to the public;

10 “(2) will be adjusted to reflect the economic  
11 condition of the juvenile involved; and

12 “(3) will not be imposed on any such juvenile  
13 whose family has an income of less than 185 percent  
14 of the official poverty line, as established by the Di-  
15 rector of the Office for Management and Budget  
16 and revised by the Secretary in accordance with sec-  
17 tion 673(2) of the Omnibus Budget Reconciliation  
18 Act of 1981 (42 U.S.C. 9902(2)).

19 “(k) REPORTS TO DIRECTOR.—A funding agreement  
20 for an award under subsection (a) is that the applicant  
21 involved will submit to the Director a report—

22 “(1) describing the utilization and costs of serv-  
23 ices provided under the award;

24 “(2) specifying the number of juveniles served,  
25 and the type and costs of services provided; and



1           “(3) providing such other information as the  
2           Director determines to be appropriate.

3           “(l) REQUIREMENT OF APPLICATION.—The Director  
4           may make an award under subsection (a) only if an appli-  
5           cation for the award is submitted to the Director con-  
6           taining such agreements, and the application is in such  
7           form, is made in such manner, and contains such other  
8           agreements and such assurances and information as the  
9           Director determines to be necessary to carry out this sec-  
10          tion.

11          “(m) EQUITABLE ALLOCATION OF AWARDS.—In  
12          making awards under subsection (a), the Director shall  
13          ensure that the awards are equitably allocated among the  
14          principal geographic regions of the United States, as well  
15          as among Indian tribes, subject to the availability of quali-  
16          fied applicants for the awards.

17          “(n) DURATION OF AWARD.—

18                 “(1) IN GENERAL.—The period during which  
19                 payments are made to an entity from an award  
20                 under this section may not exceed 5 years.

21                 “(2) APPROVAL OF DIRECTOR.—The provision  
22                 of payments described in paragraph (1) shall be sub-  
23                 ject to—

24                         “(A) annual approval by the Director of  
25                         the payments; and

1           “(B) the availability of appropriations for  
2           the fiscal year at issue to make the payments.

3           “(3) NO LIMITATION.—This subsection may not  
4           be construed to establish a limitation on the number  
5           of awards that may be made to an entity under this  
6           section.

7           “(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—  
8           The Director shall, directly or through contract, provide  
9           for the conduct of evaluations of programs carried out  
10          pursuant to subsection (a). The Director shall disseminate  
11          to the States the findings made as a result of the evalua-  
12          tions.

13          “(p) REPORTS TO CONGRESS.—

14               “(1) INITIAL REPORT.—Not later than October  
15               1, 2002, the Director shall submit to the Committee  
16               on the Judiciary of the House of Representatives,  
17               and to the Committee on the Judiciary of the Sen-  
18               ate, a report describing programs carried out pursu-  
19               ant to this section.

20               “(2) PERIODIC REPORTS.—

21                   “(A) IN GENERAL.—Not less than bienni-  
22                   ally after the date described in paragraph (1),  
23                   the Director shall prepare a report describing  
24                   programs carried out pursuant to this section  
25                   during the preceding 2-year period, and shall

1 submit the report to the Administrator for in-  
2 clusion in the biennial report under section  
3 501(k).

4 “(B) SUMMARY.—Each report under this  
5 subsection shall include a summary of any eval-  
6 uations conducted under subsection (m) during  
7 the period with respect to which the report is  
8 prepared.

9 “(q) DEFINITIONS.—In this section:

10 “(1) AUTHORIZED SERVICES.—The term ‘au-  
11 thorized services’ means treatment services and sup-  
12 plemental services.

13 “(2) JUVENILE.—The term ‘juvenile’ means  
14 anyone 18 years of age or younger at the time that  
15 of admission to a program operated pursuant to sub-  
16 section (a).

17 “(3) ELIGIBLE JUVENILE.—The term ‘eligible  
18 juvenile’ means a juvenile who has been admitted to  
19 a program operated pursuant to subsection (a).

20 “(4) FUNDING AGREEMENT UNDER SUB-  
21 SECTION (A).—The term ‘funding agreement under  
22 subsection (a)’, with respect to an award under sub-  
23 section (a), means that the Director may make the  
24 award only if the applicant makes the agreement in-  
25 volved.

1           “(5) TREATMENT SERVICES.—The term ‘treat-  
2           ment services’ means treatment for substance abuse,  
3           including the counseling and services described in  
4           subsection (c)(2).

5           “(6) SUPPLEMENTAL SERVICES.—The term  
6           ‘supplemental services’ means the services described  
7           in subsection (d).

8           “(r) AUTHORIZATION OF APPROPRIATIONS.—

9           “(1) IN GENERAL.—For the purpose of car-  
10          rying out this section and section 576 there is au-  
11          thorized to be appropriated such sums as may be  
12          necessary for fiscal years 2002 and 2003. There is  
13          authorized to be appropriated from the Violent  
14          Crime Reduction Trust Fund \$300,000,000 in each  
15          of fiscal years 2004 and 2005.

16          “(2) TRANSFER.—For the purpose described in  
17          paragraph (1), in addition to the amounts author-  
18          ized in such paragraph to be appropriated for a fis-  
19          cal year, there is authorized to be appropriated for  
20          the fiscal year from the special forfeiture fund of the  
21          Director of the Office of National Drug Control Pol-  
22          icy such sums as may be necessary.

23          “(3) RULE OF CONSTRUCTION.—The amounts  
24          authorized in this subsection to be appropriated are  
25          in addition to any other amounts that are authorized

1 to be appropriated and are available for the purpose  
2 described in paragraph (1).

3 **“SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVE-**  
4 **NILES.**

5 “(a) GRANTS.—The Secretary of Health and Human  
6 Services, acting through the Director of the Center for  
7 Substance Abuse Treatment, shall make grants to estab-  
8 lish projects for the outpatient treatment of substance  
9 abuse among juveniles.

10 “(b) PREVENTION.—Entities receiving grants under  
11 this section shall engage in activities to prevent substance  
12 abuse among juveniles.

13 “(c) EVALUATION.—The Secretary of Health and  
14 Human Services shall evaluate projects carried out under  
15 subsection (a) and shall disseminate to appropriate public  
16 and private entities information on effective projects.”.

17 **PART 4—FUNDING FOR DRUG-FREE COMMUNITY**  
18 **PROGRAMS**

19 **SEC. 4141. EXTENSION OF SAFE AND DRUG-FREE SCHOOLS**  
20 **AND COMMUNITIES PROGRAM.**

21 Title IV of the Elementary and Secondary Education  
22 Act (20 U.S.C. 7104) is amended to read as follows:

# 1      **“TITLE IV—AUTHORIZATIONS**

## 2      **“SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.**

3            “There is authorized to be appropriated for State  
 4 grants under subpart 1 and national programs under sub-  
 5 part 2, \$655,000,000 for fiscal years 2002 and 2003, and  
 6 \$955,000,000 for fiscal years 2004 through 2005, of  
 7 which the following amounts may be appropriated from  
 8 the Violent Crime Reduction Trust Fund:

9            “(1) \$300,000,000 for fiscal year 2004; and

10           “(2) \$300,000,000 for fiscal year 2005.”.

## 11      **SEC. 4142. SAY NO TO DRUGS COMMUNITY CENTERS.**

12           (a) SHORT TITLE.—This section may be cited as the  
 13 “Say No to Drugs Community Centers Act of 2001”.

14           (b) DEFINITIONS.—In this section—

15           (1) COMMUNITY-BASED ORGANIZATION.—The  
 16 term “community-based organization” means a pri-  
 17 vate, locally initiated organization that—

18           (A) is a nonprofit organization, as that  
 19 term is defined in section 103(23) of the Juve-  
 20 nile Justice and Delinquency Prevention Act of  
 21 1974 (42 U.S.C. 5603(23)); and

22           (B) involves the participation, as appro-  
 23 priate, of members of the community and com-  
 24 munity institutions, including—

1 (i) business and civic leaders actively  
 2 involved in providing employment and busi-  
 3 ness development opportunities in the com-  
 4 munity;

5 (ii) educators;

6 (iii) religious organizations (which  
 7 shall not provide any sectarian instruction  
 8 or sectarian worship in connection with  
 9 program activities funded under this sub-  
 10 title);

11 (iv) law enforcement agencies; and

12 (v) other interested parties.

13 (2) ELIGIBLE COMMUNITY.—The term “eligible  
 14 community” means a community—

15 (A) identified by an eligible recipient for  
 16 assistance under this subtitle; and

17 (B) an area that meets such criteria as the  
 18 Attorney General may, by regulation, establish,  
 19 including criteria relating to poverty, juvenile  
 20 delinquency, and crime.

21 (3) ELIGIBLE RECIPIENT.—The term “eligible  
 22 recipient” means a community-based organization or  
 23 public school that has—

24 (A) been approved for eligibility by the At-  
 25 torney General, upon application submitted to

1 the Attorney General in accordance with sub-  
2 section (e); and

3 (B) demonstrated that the projects and ac-  
4 tivities it seeks to support in an eligible commu-  
5 nity involve the participation, when feasible and  
6 appropriate, of—

7 (i) parents, family members, and  
8 other members of the eligible community;

9 (ii) civic and religious organizations  
10 serving the eligible community;

11 (iii) school officials and teachers em-  
12 ployed at schools located in the eligible  
13 community;

14 (iv) public housing resident organiza-  
15 tions in the eligible community; and

16 (v) public and private nonprofit orga-  
17 nizations and organizations serving youth  
18 that provide education, child protective  
19 services, or other human services to low in-  
20 come, at-risk youth and their families.

21 (4) POVERTY LINE.—The term “poverty line”  
22 means the income official poverty line (as defined by  
23 the Office of Management and Budget, and revised  
24 annually in accordance with section 673(2) of the



1 Community Services Block Grant Act (42 U.S.C.  
2 9902(2)) applicable to a family of the size involved.

3 (5) PUBLIC SCHOOL.—The term “public  
4 school” means a public elementary school, as defined  
5 in section 1201(i) of the Higher Education Act of  
6 1965 (20 U.S.C. 1141(i)), and a public secondary  
7 school, as defined in section 1201(d) of that Act (42  
8 U.S.C. 1141(d)).

9 (c) GRANT REQUIREMENTS.—The Attorney General  
10 may make grants to eligible recipients, which grants may  
11 be used to provide to youth living in eligible communities  
12 during after school hours or summer vacations, the fol-  
13 lowing services:

14 (1) Rigorous drug prevention education.

15 (2) Drug counseling and treatment.

16 (3) Academic tutoring and mentoring.

17 (4) Activities promoting interaction between  
18 youth and law enforcement officials.

19 (5) Vaccinations and other basic preventive  
20 health care.

21 (6) Sexual abstinence education.

22 (7) Other activities and instruction to reduce  
23 youth violence and substance abuse.

24 (d) LOCATION AND USE OF AMOUNTS.—An eligible  
25 recipient that receives a grant under this section—

1           (1) shall ensure that the stated program is car-  
2 ried out—

3                   (A) when appropriate, in the facilities of a  
4 public school during nonschool hours; or

5                   (B) in another appropriate local facility  
6 that is—

7                           (i) in a location easily accessible to  
8 youth in the community; and

9                           (ii) in compliance with all applicable  
10 State and local ordinances;

11           (2) shall use the grant amounts to provide to  
12 youth in the eligible community services and activi-  
13 ties that include extracurricular and academic pro-  
14 grams that are offered—

15                   (A) after school and on weekends and holi-  
16 days, during the school year; and

17                   (B) as daily full day programs (to the ex-  
18 tent available resources permit) or as part day  
19 programs, during the summer months;

20           (3) shall use not more than 5 percent of the  
21 amounts to pay for the administrative costs of the  
22 program;

23           (4) shall not use such amounts to provide sec-  
24 tarian worship or sectarian instruction; and

1           (5) may not use the amounts for the general  
2     operating costs of public schools.

3     (e) APPLICATIONS.—

4           (1) IN GENERAL.—Each application to become  
5     an eligible recipient shall be submitted to the Attor-  
6     ney General at such time, in such manner, and ac-  
7     companied by such information, as the Attorney  
8     General may reasonably require.

9           (2) CONTENTS OF APPLICATION.—Each appli-  
10    cation submitted pursuant to paragraph (1) shall—

11           (A) describe the activities and services to  
12           be provided through the program for which the  
13           grant is sought;

14           (B) contain a comprehensive plan for the  
15           program that is designed to achieve identifiable  
16           goals for youth in the eligible community;

17           (C) describe in detail the drug education  
18           and drug prevention programs that will be im-  
19           plemented;

20           (D) specify measurable goals and outcomes  
21           for the program that will include—

22               (i) reducing the percentage of youth  
23               in the eligible community that enter the ju-  
24               venile justice system or become addicted to  
25               drugs;

1                   (ii) increasing the graduation rates,  
2                   school attendance, and academic success of  
3                   youth in the eligible community; and

4                   (iii) improving the skills of program  
5                   participants;

6                   (E) contain an assurance that the appli-  
7                   cant will use grant amounts received under this  
8                   subtitle to provide youth in the eligible commu-  
9                   nity with activities and services consistent with  
10                  subsection (c);

11                  (F) demonstrate the manner in which the  
12                  applicant will make use of the resources, exper-  
13                  tise, and commitment of private entities in car-  
14                  rying out the program for which the grant is  
15                  sought;

16                  (G) include an estimate of the number of  
17                  youth in the eligible community expected to be  
18                  served under the program;

19                  (H) include a description of charitable pri-  
20                  vate resources, and all other resources, that will  
21                  be made available to achieve the goals of the  
22                  program;

23                  (I) contain an assurance that the applicant  
24                  will comply with any research effort authorized

under Federal law, and any investigation by the Attorney General;

(J) contain an assurance that the applicant will prepare and submit to the Attorney General an annual report regarding any program conducted under this subtitle;

(K) contain an assurance that the program for which the grant is sought will, to the maximum extent practicable, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

(L) contain an assurance that the applicant will maintain separate accounting records for the program for which the grant is sought.

(3) PRIORITY.—In determining eligibility under this section, the Attorney General shall give priority to applicants that submit applications that demonstrate the greatest local support for the programs they seek to support.

(f) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Attorney General shall, subject to the availability of appropriations, provide to each eligible recipient the Federal share of the

1 costs of developing and carrying out programs de-  
2 scribed in this section.

3 (2) FEDERAL SHARE.—The Federal share of  
4 the cost of a program under this subtitle shall be not  
5 more than—

6 (A) 75 percent of the total cost of the pro-  
7 gram for each of the first 2 years of the dura-  
8 tion of a grant;

9 (B) 70 percent of the total cost of the pro-  
10 gram for the third year of the duration of a  
11 grant; and

12 (C) 60 percent of the total cost of the pro-  
13 gram for each year thereafter.

14 (3) NON-FEDERAL SHARE.—

15 (A) IN GENERAL.—The non-Federal share  
16 of the cost of a program under this subtitle  
17 may be in cash or in kind, fairly evaluated, in-  
18 cluding plant, equipment, and services. Federal  
19 funds made available for the activity of any  
20 agency of an Indian tribal government or the  
21 Bureau of Indian Affairs on any Indian lands  
22 may be used to provide the non-Federal share  
23 of the costs of programs or projects funded  
24 under this subtitle.

1 (B) SPECIAL RULE.—Not less than 15 per-  
2 cent of the non-Federal share of the costs of a  
3 program under this subtitle shall be provided  
4 from private or nonprofit sources.

5 (g) PROGRAM AUTHORITY.—

6 (1) IN GENERAL.—

7 (A) ALLOCATIONS FOR STATES AND IN-  
8 DIAN TRIBES.—

9 (i) IN GENERAL.—In any fiscal year  
10 in which the total amount made available  
11 to carry out this subtitle is equal to or  
12 greater than \$20,000,000, from the  
13 amount made available to carry out this  
14 subtitle, the Attorney General shall allocate  
15 not less than 0.75 percent for grants under  
16 subparagraph (B) to eligible recipients in  
17 each State.

18 (ii) INDIAN TRIBES.—The Attorney  
19 General shall allocate 0.75 percent of  
20 amounts made available under this subtitle  
21 for grants to Indian tribes.

22 (B) GRANTS TO COMMUNITY-BASED ORGA-  
23 NIZATIONS AND PUBLIC SCHOOLS FROM ALLO-  
24 CATIONS.—For each fiscal year described in  
25 subparagraph (A), the Attorney General may

1           award grants from the appropriate State or In-  
2           dian tribe allocation determined under subpara-  
3           graph (A) on a competitive basis to eligible re-  
4           cipients to pay for the Federal share of assist-  
5           ing eligible communities to develop and carry  
6           out programs in accordance with this subtitle.

7           (C) REALLOCATION.—If, at the end of a  
8           fiscal year described in subparagraph (A), the  
9           Attorney General determines that amounts allo-  
10          cated for a particular State or Indian tribe  
11          under subparagraph (B) remain unobligated,  
12          the Attorney General shall use such amounts to  
13          award grants to eligible recipients in another  
14          State or Indian tribe to pay for the Federal  
15          share of assisting eligible communities to de-  
16          velop and carry out programs in accordance  
17          with this subtitle. In awarding such grants, the  
18          Attorney General shall consider the need to  
19          maintain geographic diversity among eligible re-  
20          cipients.

21          (D) AVAILABILITY OF AMOUNTS.—  
22          Amounts made available under this paragraph  
23          shall remain available until expended.

24          (2) OTHER FISCAL YEARS.—In any fiscal year  
25          in which the amount made available to carry out this



1 subtitle is equal to or less than \$20,000,000, the At-  
 2 torney General may award grants on a competitive  
 3 basis to eligible recipients to pay for the Federal  
 4 share of assisting eligible communities to develop  
 5 and carry out programs in accordance with this sub-  
 6 title.

7 (3) ADMINISTRATIVE COSTS.—The Attorney  
 8 General may use not more than 3 percent of the  
 9 amounts made available to carry out this subtitle in  
 10 any fiscal year for administrative costs, including  
 11 training and technical assistance.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated to carry out this section  
 14 from the Violent Crime Reduction Trust Fund—

15 (1) for fiscal year 2002, \$125,000,000; and

16 (2) for fiscal year 2003, \$125,000,000.

17 **SEC. 4143. DRUG EDUCATION AND PREVENTION RELATING**  
 18 **TO YOUTH GANGS.**

19 Section 3505 of the Anti-Drug Abuse Act of 1988  
 20 (42 U.S.C. 11805) is amended to read as follows:

21 **“SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.**

22 “There is authorized to be appropriated to carry out  
 23 this chapter such sums as may be necessary for each of  
 24 fiscal years 2002, 2003, 2004, 2005, and 2006.”.

1 **SEC. 4144. DRUG EDUCATION AND PREVENTION PROGRAM**  
 2 **FOR RUNAWAY AND HOMELESS YOUTH.**

3 Section 3513 of the Anti-Drug Abuse Act of 1988  
 4 (42 U.S.C. 11823) is amended to read as follows:

5 **“SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.**

6 “There is authorized to be appropriated to carry out  
 7 this chapter such sums as may be necessary for each of  
 8 fiscal years 2002, 2003, 2004, 2005, and 2006.”.

9 **Subtitle B—Youth Crime**  
 10 **Prevention and Juvenile Courts**  
 11 **PART 1—GRANTS TO YOUTH ORGANIZATIONS**

12 **SEC. 4211. GRANT PROGRAM.**

13 The Attorney General may make grants to States, In-  
 14 dian tribes, and national or statewide nonprofit organiza-  
 15 tions in crime prone areas, such as Boys and Girls Clubs,  
 16 Police Athletic Leagues, 4–H Clubs, YMCA Big Brothers  
 17 and Big Sisters, and Kids ’N Kops programs, for the pur-  
 18 pose of—

19 (1) providing constructive activities to youth  
 20 during after school hours, weekends, and school va-  
 21 cations;

22 (2) providing supervised activities in safe envi-  
 23 ronments to youth in crime prone areas;

24 (3) providing antidrug education to prevent  
 25 drug abuse among youth;

1           (4) supporting police officer training and sala-  
2           ries and educational materials to expand D.A.R.E.  
3           America's middle school campaign; or

4           (5) providing constructive activities to youth in  
5           a safe environment through parks and other public  
6           recreation areas.

7   **SEC. 4212. GRANTS TO NATIONAL ORGANIZATIONS.**

8           (a) APPLICATIONS.—

9           (1) ELIGIBILITY.—In order to be eligible to re-  
10          ceive a grant under this section, the chief operating  
11          officer of a national or statewide community-based  
12          organization shall submit an application to the At-  
13          torney General in such form and containing such in-  
14          formation as the Attorney General may reasonably  
15          require.

16          (2) APPLICATION REQUIREMENTS.—Each appli-  
17          cation submitted in accordance with paragraph (1)  
18          shall include—

19                 (A) a request for a grant to be used for  
20                 the purposes described in this subtitle;

21                 (B) a description of the communities to be  
22                 served by the grant, including the nature of ju-  
23                 venile crime, violence, and drug use in the com-  
24                 munities;

1 (C) written assurances that Federal funds  
2 received under this subtitle will be used to sup-  
3 plement and not supplant, non-Federal funds  
4 that would otherwise be available for activities  
5 funded under this subtitle;

6 (D) written assurances that all activities  
7 will be supervised by an appropriate number of  
8 responsible adults;

9 (E) a plan for assuring that program ac-  
10 tivities will take place in a secure environment  
11 that is free of crime and drugs; and

12 (F) any additional statistical or financial  
13 information that the Attorney General may rea-  
14 sonably require.

15 (b) GRANT AWARDS.—In awarding grants under this  
16 section, the Attorney General shall consider—

17 (1) the ability of the applicant to provide the  
18 stated services;

19 (2) the history and establishment of the appli-  
20 cant in providing youth activities on a national or  
21 statewide basis; and

22 (3) the extent to which the organizations shall  
23 achieve an equitable geographic distribution of the  
24 grant awards.

1 **SEC. 4213. GRANTS TO STATES.**

2 (a) APPLICATIONS.—

3 (1) IN GENERAL.—The Attorney General may  
4 make grants under this section to States for dis-  
5 tribution to units of local government and commu-  
6 nity-based organizations for the purposes set forth  
7 in section 4211.

8 (2) GRANTS.—To request a grant under this  
9 section, the chief executive of a State shall submit  
10 an application to the Attorney General in such form  
11 and containing such information as the Attorney  
12 General may reasonably require.

13 (3) APPLICATION REQUIREMENTS.—Each appli-  
14 cation submitted in accordance with paragraph (2)  
15 shall include—

16 (A) a request for a grant to be used for  
17 the purposes described in this subtitle;

18 (B) a description of the communities to be  
19 served by the grant, including the nature of ju-  
20 venile crime, violence, and drug use in the com-  
21 munity;

22 (C) written assurances that Federal funds  
23 received under this subtitle will be used to sup-  
24 plement and not supplant, non-Federal funds  
25 that would otherwise be available for activities  
26 funded under this subtitle;

1 (D) written assurances that all activities  
2 will be supervised by an appropriate number of  
3 responsible adults; and

4 (E) a plan for assuring that program ac-  
5 tivities will take place in a secure environment  
6 that is free of crime and drugs.

7 (b) GRANT AWARDS.—In awarding grants under this  
8 section, the State shall consider—

9 (1) the ability of the applicant to provide the  
10 stated services;

11 (2) the history and establishment of the appli-  
12 cant in the community to be served;

13 (3) the level of juvenile crime, violence, and  
14 drug use in the community;

15 (4) the extent to which structured extra-  
16 curricular activities for youth are otherwise unavail-  
17 able in the community;

18 (5) the need in the community for secure envi-  
19 ronments for youth to avoid criminal victimization  
20 and exposure to crime and illegal drugs;

21 (6) to the extent practicable, achievement of an  
22 equitable geographic distribution of the grant  
23 awards; and

24 (7) whether the applicant has an established  
25 record of providing extracurricular activities that are

1 generally not otherwise available to youth in the  
2 community.

3 (c) ALLOCATION.—

4 (1) STATE ALLOCATIONS.—The Attorney Gen-  
5 eral shall allot not less than 0.75 percent of the total  
6 amount made available each fiscal year to carry out  
7 this section to each State that has applied for a  
8 grant under this section.

9 (2) INDIAN TRIBES.—The Attorney General  
10 shall allot not less than 0.75 percent of the total  
11 amount made available each fiscal year to carry out  
12 this section to Indian tribes, in accordance with the  
13 criteria set forth in subsections (a) and (b).

14 (3) REMAINING AMOUNTS.—Of the amount re-  
15 maining after the allocations under paragraphs (1)  
16 and (2), the Attorney General shall allocate to each  
17 State an amount that bears the same ratio to the  
18 total amount of remaining funds as the population  
19 of the State bears to the total population of all  
20 States.

21 **SEC. 4214. ALLOCATION; GRANT LIMITATION.**

22 (a) ALLOCATION.—Of amounts made available to  
23 carry out this part—

24 (1) 20 percent shall be for grants to national or  
25 statewide organizations under section 4212; and

1           (2) 80 percent shall be for grants to States  
2       under section 4213.

3       (b) GRANT LIMITATION.—Not more than 3 percent  
4 of the funds made available to the Attorney General or  
5 a grant recipient under this subtitle may be used for ad-  
6 ministrative purposes.

7 **SEC. 4215. REPORT AND EVALUATION.**

8       (a) REPORT TO THE ATTORNEY GENERAL.—Not  
9 later than October 1, 2002 and October 1 of each year  
10 thereafter, each grant recipient under this subtitle shall  
11 submit to the Attorney General a report that describes,  
12 for the year to which the report relates—

13           (1) the activities provided;

14           (2) the number of youth participating;

15           (3) the extent to which the grant enabled the  
16 provision of activities to youth that would not other-  
17 wise be available; and

18           (4) any other information that the Attorney  
19 General requires for evaluating the effectiveness of  
20 the program.

21       (b) EVALUATION AND REPORT TO CONGRESS.—Not  
22 later than March 1, 2003, and March 1 of each year there-  
23 after, the Attorney General shall submit to Congress an  
24 evaluation and report that contains a detailed statement  
25 regarding grant awards, activities of grant recipients, a



1 compilation of statistical information submitted by grant  
2 recipients under this part, and an evaluation of programs  
3 established by grant recipients under this part.

4 (c) CRITERIA.—In assessing the effectiveness of the  
5 programs established and operated by grant recipients  
6 pursuant to this part, the Attorney General shall  
7 consider—

8 (1) the number of youth served by the grant re-  
9 cipient;

10 (2) the percentage of youth participating in the  
11 program charged with acts of delinquency or crime  
12 compared to youth in the community at large;

13 (3) the percentage of youth participating in the  
14 program that uses drugs compared to youth in the  
15 community at large;

16 (4) the percentage of youth participating in the  
17 program that are victimized by acts of crime or de-  
18 linquency compared to youth in the community at  
19 large; and

20 (5) the truancy rates of youth participating in  
21 the program compared to youth in the community at  
22 large.

23 (d) DOCUMENTS AND INFORMATION.—Each grant  
24 recipient under this part shall provide the Attorney Gen-  
25 eral with all documents and information that the Attorney

1 General determines to be necessary to conduct an evalua-  
2 tion of the effectiveness of programs funded under this  
3 part.

4 **SEC. 4216. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-  
6 priated to carry out this part from the Violent Crime Re-  
7 duction Trust Fund—

8 (1) such sums as may be necessary for each of  
9 fiscal years 2002 and 2003; and

10 (2) \$125,000,000 for each of fiscal years 2004  
11 and 2005.

12 (b) CONTINUED AVAILABILITY.—Amounts made  
13 available under this part shall remain available until ex-  
14 pended.

15 **SEC. 4217. GRANTS TO PUBLIC AND PRIVATE AGENCIES.**

16 Title II of the Juvenile Justice and Delinquency Pre-  
17 vention Act of 1974 (42 U.S.C. 5611 et seq.) is  
18 amended—

19 (1) by striking the first part designated as part  
20 I;

21 (2) by redesignating the second part designated  
22 as part I as part M; and

23 (3) by inserting after part H the following:

1     **“PART I—AFTER SCHOOL CRIME PREVENTION**

2     **“SEC. 291. GRANTS TO PUBLIC AND PRIVATE AGENCIES**

3                     **FOR EFFECTIVE AFTER SCHOOL CRIME PRE-**

4                     **VENTION PROGRAMS.**

5             “(a) IN GENERAL.—Subject to the availability of ap-  
6     propriations, the Administrator shall make grants in ac-  
7     cordance with this section to public and private agencies  
8     to fund effective after school juvenile crime prevention  
9     programs.

10            “(b) MATCHING REQUIREMENT.—The Administrator  
11     may not make a grant to a public or private agency under  
12     this section unless that agency agrees that, with respect  
13     to the costs to be incurred by the agency in carrying out  
14     the program for which the grant is to be awarded, the  
15     agency will make available non-Federal contributions in  
16     an amount that is not less than a specific percentage of  
17     Federal funds provided under the grant, as determined by  
18     the Administrator.

19            “(c) PRIORITY.—In making grants under this sec-  
20     tion, the Administrator shall give priority to funding pro-  
21     grams that—

22                 “(1) are targeted to high crime neighborhoods  
23             or at-risk juveniles;

24                 “(2) operate during the period immediately fol-  
25             lowing normal school hours;

1           “(3) provide educational or recreational activi-  
 2           ties designed to encourage law-abiding conduct, re-  
 3           duce the incidence of criminal activity, and teach ju-  
 4           veniles alternatives to crime; and

5           “(4) coordinate with State or local juvenile  
 6           crime control and juvenile offender accountability  
 7           programs.

8           “(d) FUNDING.—There are authorized to be appro-  
 9           priated for grants under this section \$250,000,000 for  
 10          each of fiscal years 2002, 2003, 2004, 2005, and 2006.”.

11   **PART 2—REAUTHORIZATION OF INCENTIVE**  
 12       **GRANTS FOR LOCAL DELINQUENCY PREVEN-**  
 13       **TION PROGRAMS**

14   **SEC. 4221. INCENTIVE GRANTS FOR LOCAL DELINQUENCY**  
 15       **PREVENTION PROGRAMS.**

16          Section 506 of the Juvenile Justice and Delinquency  
 17          Prevention Act of 1974 (42 U.S.C. 5785) is amended to  
 18          read as follows:

19   **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

20          “‘There is authorized to be appropriated to carry out  
 21          this title such sums as may be necessary for each of fiscal  
 22          years 2002, 2003, 2004, 2005, and 2006.’”.

1 **SEC. 4222. RESEARCH, EVALUATION, AND TRAINING.**

2 Title V of the Juvenile Justice and Delinquency Pre-  
3 vention Act of 1974 (42 U.S.C. 5781 et seq.) is amended  
4 by adding at the end the following:

5 **“SEC. 507. RESEARCH, EVALUATION, AND TRAINING.**

6 “Of the amounts made available by appropriations  
7 pursuant to section 506—

8 “(1) 2 percent shall be used by the Adminis-  
9 trator for providing training and technical assistance  
10 under this title; and

11 “(2) 10 percent shall be used by the Adminis-  
12 trator for research, statistics, and evaluation activi-  
13 ties carried out in conjunction with the grant pro-  
14 grams under this title.”.

15 **PART 3—JUMP AHEAD**

16 **SEC. 4231. SHORT TITLE.**

17 This part may be cited as the “JUMP Ahead Act  
18 of 2001”.

19 **SEC. 4232. FINDINGS.**

20 Congress finds that—

21 (1) millions of young people in America live in  
22 areas in which drug use and violent and property  
23 crimes are pervasive;

24 (2) unfortunately, many of these same young  
25 people come from single parent homes, or from envi-

1       ronments in which there is no responsible, caring  
2       adult supervision;

3           (3) all children and adolescents need caring  
4       adults in their lives, and mentoring is an effective  
5       way to fill this special need for at-risk children;

6           (4) the special bond of commitment fostered by  
7       the mutual respect inherent in effective mentoring  
8       can be the tie that binds a young person to a better  
9       future;

10          (5) through a mentoring relationship, adult vol-  
11       unteers and participating youth make a significant  
12       commitment of time and energy to develop relation-  
13       ships devoted to personal, academic, or career devel-  
14       opment and social, artistic, or athletic growth;

15          (6) rigorous independent studies have confirmed  
16       that effective mentoring programs can significantly  
17       reduce and prevent the use of alcohol and drugs by  
18       young people, improve school attendance and per-  
19       formance, improve peer and family and peer rela-  
20       tionships, and reduce violent behavior;

21          (7) since the inception of the Federal JUMP  
22       program, dozens of innovative, effective mentoring  
23       programs have received funding grants;

24          (8) unfortunately, despite the recent growth in  
25       public and private mentoring initiatives, it is re-

1       ported that between 5,000,000 and 15,000,000 addi-  
 2       tional children in the United States could benefit  
 3       from being matched with a mentor; and

4           (9) although great strides have been made in  
 5       reaching at-risk youth since the inception of the  
 6       JUMP program, millions of vulnerable American  
 7       children are not being reached, and without an in-  
 8       creased commitment to connect these young people  
 9       to responsible adult role models, our country risks  
 10      losing an entire generation to drugs, crime, and un-  
 11      productive lives.

12   **SEC. 4233. JUVENILE MENTORING GRANTS.**

13       (a) IN GENERAL.—Section 288B of the Juvenile Jus-  
 14      tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
 15      5667e–2) is amended—

16           (1) by inserting “(a) IN GENERAL.—” before  
 17      “The Administrator shall”;

18           (2) by striking paragraph (2) and inserting the  
 19      following:

20           “(2) are intended to achieve 1 or more of the  
 21      following goals:

22                   “(A) Discourage at-risk youth from—

23                           “(i) using illegal drugs and alcohol;

24                           “(ii) engaging in violence;

1                   “(iii) using guns and other dangerous  
2                   weapons;

3                   “(iv) engaging in other criminal and  
4                   antisocial behavior; and

5                   “(v) becoming involved in gangs.

6                   “(B) Promote personal and social responsi-  
7                   bility among at-risk youth.

8                   “(C) Increase at-risk youth’s participation  
9                   in, and enhance the ability of those youth to  
10                  benefit from, elementary and secondary edu-  
11                  cation.

12                  “(D) Encourage at-risk youth participation  
13                  in community service and community activities.

14                  “(E) Provide general guidance to at-risk  
15                  youth.”; and

16                  (3) by adding at the end the following:

17                  “(b) AMOUNT AND DURATION.—Each grant under  
18                  this part shall be awarded in an amount not to exceed  
19                  a total of \$200,000 over a period of not more than 3 years.

20                  “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
21                  is authorized to be appropriated \$50,000,000 for each of  
22                  fiscal years 2002, 2003, 2004, and 2005 to carry out this  
23                  part.”.



1 **SEC. 4234. IMPLEMENTATION AND EVALUATION GRANTS.**

2 (a) IN GENERAL.—The Administrator of the Office  
3 of Juvenile Justice and Delinquency Prevention of the De-  
4 partment of Justice may make grants to national organi-  
5 zations or agencies serving youth, in order to enable those  
6 organizations or agencies—

7 (1) to conduct a multisite demonstration  
8 project, involving between 5 and 10 project sites,  
9 that—

10 (A) provides an opportunity to compare  
11 various mentoring models for the purpose of  
12 evaluating the effectiveness and efficiency of  
13 those models;

14 (B) allows for innovative programs de-  
15 signed under the oversight of a national organi-  
16 zation or agency serving youth, which programs  
17 may include—

18 (i) technical assistance;

19 (ii) training; and

20 (iii) research and evaluation; and

21 (C) disseminates the results of such dem-  
22 onstration project to allow for the determina-  
23 tion of the best practices for various mentoring  
24 programs;

25 (2) to develop and evaluate screening standards  
26 for mentoring programs; and

1           (3) to develop and evaluate volunteer recruit-  
2           ment techniques and activities for mentoring pro-  
3           grams.

4           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
5           authorized to be appropriated \$5,000,000 for each of fis-  
6           cal years 2002, 2003, 2004, and 2005 to carry out this  
7           section.

8   **SEC. 4235. EVALUATIONS; REPORTS.**

9           (a) EVALUATIONS.—

10           (1) IN GENERAL.—The Attorney General shall  
11           enter into a contract with an evaluating organization  
12           that has demonstrated experience in conducting eval-  
13           uations, for the conduct of an ongoing rigorous eval-  
14           uation of the programs and activities assisted under  
15           this Act or under section 228B of the Juvenile Jus-  
16           tice and Delinquency Prevention Act of 1974 (42  
17           U.S.C. 5667e–2) (as amended by this title).

18           (2) CRITERIA.—The Attorney General shall es-  
19           tablish a minimum criteria for evaluating the pro-  
20           grams and activities assisted under this Act or  
21           under section 228B of the Juvenile Justice and De-  
22           linquency Prevention Act of 1974 (42 U.S.C. 5667e–  
23           2) (as amended by this title), which shall provide for  
24           a description of the implementation of the program  
25           or activity, and the effect of the program or activity

1 on participants, schools, communities, and youth  
2 served by the program or activity.

3 (3) MENTORING PROGRAM OF THE YEAR.—The  
4 Attorney General shall, on an annual basis, based on  
5 the most recent evaluation under this subsection and  
6 such other criteria as the Attorney General shall es-  
7 tablish by regulation—

8 (A) designate 1 program or activity as-  
9 sisted under this Act as the “Juvenile Men-  
10 toring Program of the Year”; and

11 (B) publish notice of such designation in  
12 the Federal Register.

13 (b) REPORTS.—

14 (1) GRANT RECIPIENTS.—Each entity receiving  
15 a grant under this Act or under section 228B of the  
16 Juvenile Justice and Delinquency Prevention Act of  
17 1974 (42 U.S.C. 5667e–2) (as amended by this  
18 title) shall submit to the evaluating organization en-  
19 tering into the contract under subsection (a)(1), an  
20 annual report regarding any program or activity as-  
21 sisted under this Act or under section 228B of the  
22 Juvenile Justice and Delinquency Prevention Act of  
23 1974 (42 U.S.C. 5667e–2) (as amended by this  
24 title). Each report under this paragraph shall be  
25 submitted at such time, in such a manner, and shall

1 be accompanied by such information, as the evalu-  
 2 ating organization may reasonably require.

3 (2) COMPTROLLER GENERAL.—Not later than  
 4 4 years after the date of enactment of this Act, the  
 5 Attorney General shall submit to Congress a report  
 6 evaluating the effectiveness of grants awarded under  
 7 this Act and under section 228B of the Juvenile  
 8 Justice and Delinquency Prevention Act of 1974 (42  
 9 U.S.C. 5667e–2) (as amended by this title), in—

10 (A) reducing juvenile delinquency and gang  
 11 participation;

12 (B) reducing the school dropout rate; and

13 (C) improving academic performance of ju-  
 14 veniles.

#### 15 **PART 4—TRUANCY PREVENTION**

##### 16 **SEC. 4241. SHORT TITLE.**

17 This part may be cited as the “Truancy Prevention  
 18 and Juvenile Crime Reduction Act of 2001”.

##### 19 **SEC. 4242. FINDINGS.**

20 Congress makes the following findings:

21 (1) Truancy is often the first sign of trouble—  
 22 the first indicator that a young person is giving up  
 23 and losing his or her way.

24 (2) Many students who become truant eventu-  
 25 ally drop out of school, and high school drop outs

1 are two and a half times more likely to be on welfare  
2 than high school graduates, twice as likely to be un-  
3 employed, or if employed, earn lower salaries.

4 (3) Truancy is the top-ranking characteristic of  
5 criminals—more common than such factors as com-  
6 ing from single-parent families and being abused as  
7 children.

8 (4) High rates of truancy are linked to high  
9 daytime burglary rates and high vandalism.

10 (5) As much as 44 percent of violent juvenile  
11 crime takes place during school hours.

12 (6) As many as 75 percent of children ages 13  
13 to 16 who are arrested and prosecuted for crimes  
14 are truants.

15 (7) Some cities report as many as 70 percent  
16 of daily student absences are unexcused, and the  
17 total number of absences in a single city can reach  
18 4,000 per day.

19 (8) Society pays a significant social and eco-  
20 nomic cost due to truancy: only 34 percent of in-  
21 mates have completed high school education; 17 per-  
22 cent of youth under age 18 entering adult prisons  
23 have not completed grade school (8th grade or less),  
24 25 percent completed 10th grade, and 2 percent  
25 completed high school.

1           (9) Truants and later high school drop outs  
 2           cost the Nation \$240,000,000,000 in lost earnings  
 3           and foregone taxes over their lifetimes, and the cost  
 4           of crime control is staggering.

5           (10) In many instances, parents are unaware a  
 6           child is truant.

7           (11) Effective truancy prevention, early inter-  
 8           vention, and accountability programs can improve  
 9           school attendance and reduce daytime crime rates.

10          (12) There is a lack of targeted funding for ef-  
 11          fective truancy prevention programs in current law.

12 **SEC. 4243. GRANTS.**

13          (a) DEFINITIONS.—In this section:

14           (1) ELIGIBLE PARTNERSHIP.—The term “eligi-  
 15           ble partnership” means a partnership between 1 or  
 16           more qualified units of local government and 1 or  
 17           more local educational agencies.

18           (2) LOCAL EDUCATIONAL AGENCY.—The term  
 19           “local educational agency” has the meaning given  
 20           the term in section 14101 of the Elementary and  
 21           Secondary Education Act of 1965 (20 U.S.C. 8801).

22           (3) QUALIFIED UNIT OF LOCAL GOVERN-  
 23           MENT.—The term “qualified unit of local govern-  
 24           ment” means a unit of local government that has in  
 25           effect, as of the date on which the eligible partner-

1 ship submits an application for a grant under this  
2 section, a statute or regulation that meets the re-  
3 quirements of section 223(a)(14) of the Juvenile  
4 Justice and Delinquency and Prevention Act of 1974  
5 (42 U.S.C. 5633(a)(14)).

6 (4) UNIT OF LOCAL GOVERNMENT.—The term  
7 “unit of local government” means any city, county,  
8 township, town, borough, parish, village, or other  
9 general purpose political subdivision of a State, or  
10 any Indian tribe.

11 (b) GRANT AUTHORITY.—The Attorney General, in  
12 consultation with the Secretary of Education, shall make  
13 grants in accordance with this section on a competitive  
14 basis to eligible partnerships to reduce truancy and the  
15 incidence of daytime juvenile crime.

16 (c) MAXIMUM AMOUNT; ALLOCATION; RENEWAL.—

17 (1) MAXIMUM AMOUNT.—The total amount  
18 awarded to an eligible partnership under this section  
19 in any fiscal year shall not exceed \$100,000.

20 (2) ALLOCATION.—Not less than 25 percent of  
21 each grant awarded to an eligible partnership under  
22 this section shall be allocated for use by the local  
23 educational agency or agencies participating in the  
24 partnership.

1           (3) RENEWAL.—A grant awarded under this  
2           section for a fiscal year may be renewed for an addi-  
3           tional period of not more than 2 fiscal years.

4           (d) USE OF FUNDS.—

5           (1) IN GENERAL.—Grant amounts made avail-  
6           able under this section may be used by an eligible  
7           partnership to comprehensively address truancy  
8           through the use of—

9                   (A) parental involvement in prevention ac-  
10                  tivities, including meaningful incentives for pa-  
11                  rental responsibility;

12                  (B) sanctions, including community serv-  
13                  ice, or drivers' license suspension for students  
14                  who are habitually truant;

15                  (C) parental accountability, including fines,  
16                  teacher-aid duty, or community service;

17                  (D) in-school truancy prevention programs,  
18                  including alternative education and in-school  
19                  suspension;

20                  (E) involvement of the local law enforce-  
21                  ment, social services, judicial, business, and re-  
22                  ligious communities, and nonprofit organiza-  
23                  tions;



1 (F) technology, including automated tele-  
2 phone notice to parents and computerized at-  
3 tendance system; or

4 (G) elimination of 40-day count and other  
5 unintended incentives to allow students to be  
6 truant after a certain time of school year.

7 (2) MODEL PROGRAMS.—In carrying out this  
8 section, the Attorney General may give priority to  
9 funding the following programs and programs that  
10 attempt to replicate one or more of the following  
11 model programs:

12 (A) The Truancy Intervention Project of  
13 the Fulton County, Georgia, Juvenile Court.

14 (B) The TABS (Truancy Abatement and  
15 Burglary Suppression) program of Milwaukee,  
16 Wisconsin.

17 (C) The Roswell Daytime Curfew Program  
18 of Roswell, New Mexico.

19 (D) The Stop, Cite and Return Program of  
20 Rohnert Park, California.

21 (E) The Stay in School Program of New  
22 Haven, Connecticut.

23 (F) The Atlantic County Project Helping  
24 Hand of Atlantic County, New Jersey.

1 (G) The THRIVE (Truancy Habits Re-  
 2 duced Increasing Valuable Education) initiative  
 3 of Oklahoma City, Oklahoma.

4 (H) The Norfolk, Virginia project using  
 5 computer software and data collection.

6 (I) The Community Service Early Inter-  
 7 vention Program of Marion, Ohio.

8 (J) The Truancy Reduction Program of  
 9 Bakersfield, California.

10 (K) The Grade Court program of Farm-  
 11 ington, New Mexico.

12 (L) Any other model program that the At-  
 13 torney General determines to be appropriate.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
 15 authorized to be appropriated to carry out this section,  
 16 \$25,000,000 for each of fiscal years 2002, 2003, and  
 17 2004.

18 **PART 5—JUVENILE CRIME CONTROL AND**

19 **DELINQUENCY PREVENTION ACT**

20 **SEC. 4251. SHORT TITLE.**

21 This part may be cited as the “Juvenile Crime Con-  
 22 trol and Delinquency Prevention Act of 2001”.

1 **SEC. 4252. FINDINGS.**

2 Section 101 of the Juvenile Justice and Delinquency  
3 Prevention Act of 1974 (42 U.S.C. 5601) is amended to  
4 read as follows:

5 **“SEC. 101. FINDINGS.**

6 “(a) Congress finds that the juvenile crime problem  
7 should be addressed through a 2-track common sense ap-  
8 proach that addresses the needs of individual juveniles and  
9 society at large by promoting—

10 “(1) quality prevention programs that—

11 “(A) work with juveniles, their families,  
12 local public agencies, and community-based or-  
13 ganizations, and take into consideration such  
14 factors as whether juveniles have ever been the  
15 victims of family violence (including child abuse  
16 and neglect); and

17 “(B) are designed to reduce risks and de-  
18 velop competencies in at-risk juveniles that will  
19 prevent, and reduce the rate of, violent delin-  
20 quent behavior; and

21 “(2) programs that assist in holding juveniles  
22 accountable for their actions, including a system of  
23 graduated sanctions to respond to each delinquent  
24 act, requiring juveniles to make restitution, or per-  
25 form community service, for the damage caused by  
26 their delinquent acts, and methods for increasing

1 victim satisfaction with respect to the penalties im-  
2 posed on juveniles for their acts.

3 “(b) Congress must act now to reform this program  
4 by focusing on juvenile delinquency prevention programs,  
5 as well as programs that hold juveniles accountable for  
6 their acts.”.

7 **SEC. 4253. PURPOSE.**

8 Section 102 of the Juvenile Justice and Delinquency  
9 Prevention Act of 1974 (42 U.S.C. 5602) is amended to  
10 read as follows:

11 **“SEC. 102. PURPOSES.**

12 “The purposes of this title are—

13 “(1) to support State and local programs that  
14 prevent juvenile involvement in delinquent behavior;

15 “(2) to assist State and local governments in  
16 promoting public safety by encouraging account-  
17 ability for acts of juvenile delinquency; and

18 “(3) to assist State and local governments in  
19 addressing juvenile crime through the provision of  
20 technical assistance, research, training, evaluation,  
21 and the dissemination of information on effective  
22 programs for combating juvenile delinquency.”.

23 **SEC. 4254. DEFINITIONS.**

24 Section 103 of the Juvenile Justice and Delinquency  
25 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

1           (1) in paragraph (3), by striking “to help pre-  
2       vent juvenile delinquency” and inserting “designed  
3       to reduce known risk factors for juvenile delinquent  
4       behavior, provide activities that build on protective  
5       factors for, and develop competencies in, juveniles to  
6       prevent, and reduce the rate of, delinquent juvenile  
7       behavior”,

8           (2) in paragraph (4), by inserting “title I of”  
9       before “the Omnibus” each place it appears,

10          (3) in paragraph (7), by striking “the Trust  
11       Territory of the Pacific Islands,”,

12          (4) in paragraph (9), by striking “justice” and  
13       inserting “crime control”,

14          (5) in paragraph (12)(B), by striking “, of any  
15       nonoffender,”,

16          (6) in paragraph (13)(B), by striking “, any  
17       nonoffender,”,

18          (7) in paragraph (14), by inserting “drug traf-  
19       ficking,” after “assault,”,

20          (8) in paragraph (16)—

21               (A) in subparagraph (A), by adding “and”  
22       at the end, and

23               (B) by striking subparagraph (C),

24          (9) by striking paragraph (17),

25          (10) in paragraph (22)—

1 (A) by redesignating subparagraphs (i),  
2 (ii), and (iii) as subparagraphs (A), (B), and  
3 (C), respectively, and

4 (B) by striking “and” at the end,  
5 (11) in paragraph (23), by striking the period  
6 at the end and inserting a semicolon,

7 (12) by redesignating paragraphs (18), (19),  
8 (20), (21), (22), and (23) as paragraphs (17)  
9 through (22), respectively, and

10 (13) by adding at the end the following:

11 “(23) the term ‘boot camp’ means a residential  
12 facility (excluding a private residence) at which there  
13 are provided—

14 “(A) a highly regimented schedule of dis-  
15 cipline, physical training, work, drill, and cere-  
16 mony characteristic of military basic training.

17 “(B) regular, remedial, special, and voca-  
18 tional education; and

19 “(C) counseling and treatment for sub-  
20 stance abuse and other health and mental  
21 health problems;

22 “(24) the term ‘graduated sanctions’ means an  
23 accountability-based, graduated series of sanctions  
24 (including incentives and services) applicable to juve-  
25 niles within the juvenile justice system to hold such

1 juveniles accountable for their actions and to protect  
 2 communities from the effects of juvenile delinquency  
 3 by providing appropriate sanctions for every act for  
 4 which a juvenile is adjudicated delinquent, by induc-  
 5 ing their law-abiding behavior, and by preventing  
 6 their subsequent involvement with the juvenile jus-  
 7 tice system;

8 “(25) the term ‘violent crime’ means—

9 “(A) murder or nonnegligent man-  
 10 slaughter, forcible rape, or robbery, or

11 “(B) aggravated assault committed with  
 12 the use of a firearm;

13 “(26) the term ‘co-located facilities’ means fa-  
 14 cilities that are located in the same building, or are  
 15 part of a related complex of buildings located on the  
 16 same grounds; and

17 “(27) the term ‘related complex of buildings’  
 18 means 2 or more buildings that share—

19 “(A) physical features, such as walls and  
 20 fences, or services beyond mechanical services  
 21 (heating, air conditioning, water and sewer); or

22 “(B) the specialized services that are al-  
 23 lowable under section 31.303(e)(3)(i)(C)(3) of  
 24 title 28 of the Code of Federal Regulations, as  
 25 in effect on December 10, 1996.”.

1 **SEC. 4255. NAME OF OFFICE.**

2 Title II of the Juvenile Justice and Delinquency Pre-  
3 vention Act of 1974 (42 U.S.C. 5611 et seq.) is  
4 amended—

5 (1) in part A, by striking the part heading and  
6 inserting the following:

7 “PART A—OFFICE OF JUVENILE CRIME CONTROL AND  
8 DELINQUENCY PREVENTION”;

9 (2) in section 201(a), by striking “Justice and  
10 Delinquency Prevention” and inserting “Crime Con-  
11 trol and Delinquency Prevention”; and

12 (3) in section 299A(c)(2) by striking “Justice  
13 and Delinquency Prevention” and inserting “Crime  
14 Control and Delinquency Prevention”.

15 **SEC. 4256. CONCENTRATION OF FEDERAL EFFORT.**

16 Section 204 of the Juvenile Justice and Delinquency  
17 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

18 (1) in subsection (a)(1), by striking the last  
19 sentence;

20 (2) in subsection (b)—

21 (A) in paragraph (3), by striking “and of  
22 the prospective” and all that follows through  
23 “administered”;

24 (B) by striking paragraph (5); and

25 (C) by redesignating paragraphs (6) and  
26 (7) as paragraphs (5) and (6), respectively;



1           (3) in subsection (c), by striking “and reports”  
 2           and all that follows through “this part”, and insert-  
 3           ing “as may be appropriate to prevent the duplica-  
 4           tion of efforts, and to coordinate activities, related to  
 5           the prevention of juvenile delinquency”;

6           (4) by striking subsection (i); and

7           (5) by redesignating subsection (h) as sub-  
 8           section (f).

9   **SEC. 4257. ALLOCATION.**

10          Section 222 of the Juvenile Justice and Delinquency  
 11   Prevention Act of 1974 (42 U.S.C. 5632) is amended—

12           (1) in subsection (a)—

13                   (A) in paragraph (2)—

14                           (i) in subparagraph (A)—

15                                   (I) by striking “amount, up to  
 16                                   \$400,000,” and inserting “amount up  
 17                                   to \$400,000”;

18                                   (II) by inserting a comma after  
 19                                   “1992” the first place it appears;

20                                   (III) by striking “the Trust Ter-  
 21                                   ritory of the Pacific Islands,”; and

22                                   (IV) by striking “amount, up to  
 23                                   \$100,000,” and inserting “amount up  
 24                                   to \$100,000”;

25                           (ii) in subparagraph (B)—

1 (I) by striking “(other than part  
2 D)”;

3 (II) by striking “or such greater  
4 amount, up to \$600,000” and all that  
5 follows through “section 299(a) (1)  
6 and (3)”;

7 (III) by striking “the Trust Ter-  
8 ritory of the Pacific Islands,”;

9 (IV) by striking “amount, up to  
10 \$100,000,” and inserting “amount up  
11 to \$100,000”; and

12 (V) by inserting a comma after  
13 “1992”;

14 (B) in paragraph (3) by striking “allot”  
15 and inserting “allocate”; and

16 (2) in subsection (b) by striking “the Trust  
17 Territory of the Pacific Islands,”.

18 **SEC. 4258. STATE PLANS.**

19 Section 223 of the Juvenile Justice and Delinquency  
20 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

21 (1) in subsection (a)—

22 (A) in the second sentence, by striking  
23 “challenge” and all that follows through “part  
24 E”, and inserting “, projects, and activities”;

25 (B) in paragraph (3)—

1 (i) by striking “, which—” and insert-  
 2 ing “that—”;

3 (ii) in subparagraph (A)—

4 (I) by striking “not less” and all  
 5 that follows through “33”, and insert-  
 6 ing “the attorney general of the State  
 7 or such other State official who has  
 8 primary responsibility for overseeing  
 9 the enforcement of State criminal  
 10 laws, and”;

11 (II) by inserting “, in consulta-  
 12 tion with the attorney general of the  
 13 State or such other State official who  
 14 has primary responsibility for over-  
 15 seeing the enforcement of State crimi-  
 16 nal laws” after “State”;

17 (III) in clause (i), by striking “or  
 18 the administration of juvenile justice”  
 19 and inserting “, the administration of  
 20 juvenile justice, or the reduction of ju-  
 21 venile delinquency”;

22 (IV) in clause (ii), by striking  
 23 “include—” and all that follows  
 24 through the semicolon at the end of

1 subclause (VIII), and inserting the  
 2 following:

3 “represent a multidisciplinary approach to  
 4 addressing juvenile delinquency and may  
 5 include—

6 “(I) individuals who represent  
 7 units of general local government, law  
 8 enforcement and juvenile justice agen-  
 9 cies, public agencies concerned with  
 10 the prevention and treatment of juve-  
 11 nile delinquency and with the adju-  
 12 dication of juveniles, representatives  
 13 of juveniles, or nonprofit private orga-  
 14 nizations, particularly such organiza-  
 15 tions that serve juveniles; and

16 “(II) such other individuals as  
 17 the chief executive officer considers to  
 18 be appropriate; and”;

19 (V) by striking clauses (iv) and  
 20 (v);

21 (iii) in subparagraph (C), by striking  
 22 “justice” and inserting “crime control”;

23 (iv) in subparagraph (D)—

24 (I) in clause (i), by inserting  
 25 “and” at the end; and

1 (II) in clause (ii), by striking  
 2 “paragraphs” and all that follows  
 3 through “part E”, and inserting  
 4 “paragraphs (11), (12), and (13)”;  
 5 and

6 (v) in subparagraph (E), by striking  
 7 “title—” and all that follows through  
 8 “(ii)” and inserting “title,”;  
 9 (C) in paragraph (5)—

10 (i) in the matter preceding subpara-  
 11 graph (A), by striking “, other than” and  
 12 inserting “reduced by the percentage (if  
 13 any) specified by the State under the au-  
 14 thority of paragraph (25) and excluding”  
 15 after “section 222”; and

16 (ii) in subparagraph (C), by striking  
 17 “paragraphs (12)(A), (13), and (14)” and  
 18 inserting “paragraphs (11), (12), and  
 19 (13)”;

20 (D) by striking paragraph (6);

21 (E) in paragraph (7), by inserting “, in-  
 22 cluding in rural areas” before the semicolon at  
 23 the end;

24 (F) in paragraph (8)—

25 (i) in subparagraph (A)—

1 (I) by striking “for (i)” and all  
2 that follows through “relevant juris-  
3 diction”, and inserting “for an anal-  
4 ysis of juvenile delinquency problems  
5 in, and the juvenile delinquency con-  
6 trol and delinquency prevention needs  
7 (including educational needs) of, the  
8 State”;

9 (II) by striking “justice” the sec-  
10 ond place it appears and inserting  
11 “crime control”; and

12 (III) by striking “of the jurisdic-  
13 tion; (ii)” and all that follows through  
14 the semicolon at the end, and insert-  
15 ing “of the State; and”;

16 (ii) by striking subparagraph (B) and  
17 inserting the following:

18 “(B) contain—

19 “(i) a plan for providing needed gen-  
20 der-specific services for the prevention and  
21 treatment of juvenile delinquency;

22 “(ii) a plan for providing needed serv-  
23 ices for the prevention and treatment of ju-  
24 venile delinquency in rural areas; and

1 “(iii) a plan for providing needed  
2 mental health services to juveniles in the  
3 juvenile justice system;”; and

4 (iii) by striking subparagraphs (C)  
5 and (D);

6 (G) by striking paragraph (9) and insert-  
7 ing the following:

8 “(9) provide for the coordination and maximum  
9 utilization of existing juvenile delinquency programs,  
10 programs operated by public and private agencies  
11 and organizations, and other related programs (such  
12 as education, special education, recreation, health,  
13 and welfare programs) in the State;”;

14 (H) in paragraph (10)—

15 (i) in subparagraph (A), by striking “,  
16 specifically” and inserting “including”; and

17 (ii) by striking subparagraph (B) and  
18 inserting the following:

19 “(B) programs that assist in holding juve-  
20 niles accountable for their actions, including the  
21 use of graduated sanctions and of neighborhood  
22 courts or panels that increase victim satisfac-  
23 tion and require juveniles to make restitution  
24 for the damage caused by their delinquent be-  
25 havior;”;

1 (iii) in subparagraph (C), by striking  
 2 “juvenile justice” and inserting “juvenile  
 3 crime control”;

4 (iv) by striking subparagraph (D) and  
 5 inserting the following:

6 “(D) programs that provide treatment to  
 7 juvenile offenders who are victims of child  
 8 abuse or neglect, and to their families, in order  
 9 to reduce the likelihood that such juvenile of-  
 10 fenders will commit subsequent violations of  
 11 law;”;

12 (v) in subparagraph (E)—

13 (I) by redesignating clause (ii) as  
 14 clause (iii); and

15 (II) by striking “juveniles, pro-  
 16 vided” and all that follows through  
 17 “provides; and”, and inserting the fol-  
 18 lowing:

19 “juveniles—

20 “(i) to encourage juveniles to remain  
 21 in elementary and secondary schools or in  
 22 alternative learning situations;

23 “(ii) to provide services to assist juve-  
 24 niles in making the transition to the world  
 25 of work and self-sufficiency; and”;



1 (vi) by striking subparagraph (F) and  
2 inserting the following:

3 “(F) expanding the use of probation  
4 officers—

5 “(i) particularly for the purpose of  
6 permitting nonviolent juvenile offenders  
7 (including status offenders) to remain at  
8 home with their families as an alternative  
9 to incarceration or institutionalization; and

10 “(ii) to ensure that juveniles follow  
11 the terms of their probation;”;

12 (vii) by striking subparagraph (G)  
13 and inserting the following:

14 “(G) one-on-one mentoring programs that  
15 are designed to link at-risk juveniles and juve-  
16 nile offenders, particularly juveniles residing in  
17 high-crime areas and juveniles experiencing  
18 educational failure, with responsible adults  
19 (such as law enforcement officers, adults work-  
20 ing with local businesses, and adults working  
21 with community-based organizations and agen-  
22 cies) who are properly screened and trained;”;

23 (viii) in subparagraph (H) by striking  
24 “handicapped youth” and inserting “juve-  
25 niles with disabilities”;

1 (ix) by striking subparagraph (K) and  
2 inserting the following:

3 “(K) boot camps for juvenile offenders;”;

4 (x) by striking subparagraph (L) and  
5 inserting the following:

6 “(L) community-based programs and serv-  
7 ices to work with juveniles, their parents, and  
8 other family members during and after incar-  
9 ceration in order to strengthen families so that  
10 such juveniles may be retained in their homes;”;

11 (xi) by striking subparagraph (M) and  
12 inserting the following:

13 “(M) other activities (such as court-ap-  
14 pointed advocates) that the State determines  
15 will hold juveniles accountable for their acts  
16 and decrease juvenile involvement in delinquent  
17 activities;”;

18 (xii) in subparagraph (O)—

19 (I) in striking “cultural” and in-  
20 serting “other”; and

21 (II) by striking the period at the  
22 end and inserting a semicolon; and

23 (xiii) by adding at the end the fol-  
24 lowing:

1           “(P) programs that utilize multidisci-  
2 plinary interagency case management and infor-  
3 mation sharing, that enable the juvenile justice  
4 and law enforcement agencies, schools, and so-  
5 cial service agencies to make more informed de-  
6 cisions regarding early identification, control,  
7 supervision, and treatment of juveniles who re-  
8 peatedly commit violent or serious delinquent  
9 acts; and

10           “(Q) programs designed to prevent and re-  
11 duce hate crimes committed by juveniles.”;

12           (I) by striking paragraph (12) and insert-  
13 ing the following:

14           “(12) shall, in accordance with rules issued by  
15 the Administrator, provide that—

16           “(A) juveniles who are charged with or  
17 who have committed an offense that would not  
18 be criminal if committed by an adult,  
19 excluding—

20           “(i) juveniles who are charged with or  
21 who have committed a violation of section  
22 922(x)(2) of title 18, United States Code,  
23 or of a similar State law;

1 “(ii) juveniles who are charged with or  
 2 who have committed a violation of a valid  
 3 court order; and

4 “(iii) juveniles who are held in accord-  
 5 ance with the Interstate Compact on Juve-  
 6 niles, as enacted by the State;

7 shall not be placed in secure detention facilities  
 8 or secure correctional facilities; and

9 “(B) juveniles—

10 “(i) who are not charged with any of-  
 11 fense; and

12 “(ii) who are—

13 “(I) aliens; or

14 “(II) alleged to be dependent, ne-  
 15 glected, or abused;

16 shall not be placed in secure detention facilities  
 17 or secure correctional facilities;”;

18 (J) by striking paragraph (13) and insert-  
 19 ing the following:

20 “(13) provide that—

21 “(A) juveniles alleged to be or found to be  
 22 delinquent, and juveniles within the purview of  
 23 paragraph (11), will not be detained or confined  
 24 in any institution in which they have prohibited  
 25 physical contact or sustained oral communica-

tion (as defined in subparagraphs (D) and (E))  
with adults incarcerated because such adults  
have been convicted of a crime or are awaiting  
trial on criminal charges;

“(B) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles;

“(C) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in colocated facilities have been trained and certified to work with juveniles;

“(D) the term ‘prohibited physical contact’—

“(i) means—

“(I) any physical contact between a juvenile and an adult inmate; and

“(II) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate; and

“(ii) does not include—

“(I) communication that is accidental or incidental;

1                   “(II) sounds or noises that can-  
2                   not reasonably be considered to be  
3                   speech; or

4                   “(III) does not include supervised  
5                   proximity between a juvenile and an adult  
6                   inmate that is brief and incidental or acci-  
7                   dental; and

8                   “(E) the term ‘sustained oral communica-  
9                   tion’ means the imparting or interchange of  
10                  speech by or between an adult inmate and a ju-  
11                  venile;”.

12                  (K) by striking paragraph (14) and insert-  
13                  ing the following:

14                  “(14) provide that no juvenile will be detained  
15                  or confined in any jail or lockup for adults except—

16                  “(A) juveniles who are accused of non-  
17                  status offenses and who are detained in such  
18                  jail or lockup for a period not to exceed 6  
19                  hours—

20                         “(i) for processing or release;

21                         “(ii) while awaiting transfer to a juve-  
22                         nile facility; or

23                         “(iii) in which period such juveniles  
24                         make a court appearance;

1           “(B) juveniles who are accused of non-  
2           status offenses, who are awaiting an initial  
3           court appearance that will occur within 48  
4           hours after being taken into custody (excluding  
5           Saturdays, Sundays, and legal holidays), and  
6           who are detained or confined in a jail or  
7           lockup—

8           “(i) in which—

9                   “(I) such juveniles do not have  
10                  prohibited physical contact or sus-  
11                  tained oral communication (as defined  
12                  in subparagraphs (D) and (E) of  
13                  paragraph (13)) with adults incarcer-  
14                  ated because such adults have been  
15                  convicted of a crime or are awaiting  
16                  trial on criminal charges;

17                  “(II) to the extent practicable,  
18                  violent juveniles shall be kept separate  
19                  from nonviolent juveniles; and

20                  “(III) there is in effect in the  
21                  State a policy that requires individ-  
22                  uals who work with both such juve-  
23                  niles and such adults in co-located fa-  
24                  cilities have been trained and certified  
25                  to work with juveniles; and

1 “(ii) that—

2 “(I) is located outside a metro-  
3 politan statistical area (as defined by  
4 the Director of the Office of Manage-  
5 ment and Budget) and has no existing  
6 acceptable alternative placement avail-  
7 able; or

8 “(II) is located where conditions  
9 of distance to be traveled or the lack  
10 of highway, road, or transportation do  
11 not allow for court appearances within  
12 48 hours after being taken into cus-  
13 tody (excluding Saturdays, Sundays,  
14 and legal holidays) so that a brief (not  
15 to exceed an additional 48 hours)  
16 delay is excusable; or

17 “(III) is located where conditions  
18 of safety exist (such as severe adverse,  
19 life-threatening weather conditions  
20 that do not allow for reasonably safe  
21 travel), in which case the time for an  
22 appearance may be delayed until 24  
23 hours after the time that such condi-  
24 tions allow for reasonable safe trav-  
25 el;”;



1 (L) in paragraph (15)—

2 (i) by striking “paragraph (12)(A),  
3 paragraph (13), and paragraph (14)” and  
4 inserting “paragraphs (11), (12), and  
5 (13)”; and

6 (ii) by striking “paragraph (12)(A)  
7 and paragraph (13)” and inserting “para-  
8 graphs (11) and (12)”; and

9 (M) in paragraph (16) by striking “men-  
10 tally, emotionally, or physically handicapping  
11 conditions” and inserting “disability”;

12 (N) by striking paragraph (19) and insert-  
13 ing the following:

14 “(19) provide assurances that—

15 “(A) any assistance provided under this  
16 Act will not cause the displacement (including  
17 a partial displacement, such as a reduction in  
18 the hours of nonovertime work, wages, or em-  
19 ployment benefits) of any currently employed  
20 employee;

21 “(B) activities assisted under this Act will  
22 not impair an existing collective bargaining re-  
23 lationship, contract for services, or collective  
24 bargaining agreement; and

1           “(C) no such activity that would be incon-  
2           sistent with the terms of a collective bargaining  
3           agreement shall be undertaken without the  
4           written concurrence of the labor organization  
5           involved;”;

6           (O) by striking paragraph (23) and insert-  
7           ing the following:

8           “(23) address juvenile delinquency prevention  
9           efforts and system improvement efforts designed to  
10          reduce, without establishing or requiring numerical  
11          standards or quotas, the disproportionate number of  
12          juvenile members of minority groups, who come into  
13          contact with the juvenile justice system;”;

14          (P) by striking paragraph (24) and insert-  
15          ing the following:

16          “(24) provide that if a juvenile is taken into  
17          custody for violating a valid court order issued for  
18          committing a status offense—

19                 “(A) an appropriate public agency shall be  
20                 promptly notified that such juvenile is held in  
21                 custody for violating such order;

22                 “(B) not later than 24 hours after the ju-  
23                 venile is taken into custody and during which  
24                 the juvenile is so held, an authorized represent-

1           ative of such agency shall interview, in person,  
2           such juvenile; and

3           “(C) not later than 48 hours after the ju-  
4           venile is taken into custody and during which  
5           the juvenile is so held—

6           “(i) such representative shall submit  
7           an assessment to the court that issued  
8           such order, regarding the immediate needs  
9           of such juvenile; and

10          “(ii) such court shall conduct a hear-  
11          ing to determine—

12                 “(I) whether there is reasonable  
13                 cause to believe that such juvenile vio-  
14                 lated such order; and

15                 “(II) the appropriate placement  
16                 of such juvenile pending disposition of  
17                 the violation alleged;”;

18          (Q) in paragraph (25) by striking the pe-  
19          riod at the end and inserting a semicolon;

20          (R) by redesignating paragraphs (7)  
21          through (25) as paragraphs (6) through (24),  
22          respectively; and

23          (S) by adding at the end the following:

24          “(25) specify a percentage (if any), not to ex-  
25          ceed 5 percent, of funds received by the State under

1       section 222 (other than funds made available to the  
2       state advisory group under section 222(d)) that the  
3       State will reserve for expenditure by the State to  
4       provide incentive grants to units of general local gov-  
5       ernment that reduce the caseload of probation offi-  
6       cers within such units.”; and

7               (2) by striking subsection (c) and inserting the  
8       following:

9       “(c) If a State fails to comply with any applicable  
10      requirement of paragraph (11), (12), (13), or (22) of sub-  
11      section (a) in any fiscal year beginning after September  
12      30, 1999, then the amount allocated to such State for the  
13      subsequent fiscal year shall be reduced by not to exceed  
14      12.5 percent for each such paragraph with respect to  
15      which the failure occurs, unless the Administrator deter-  
16      mines that the State—

17              “(1) has achieved substantial compliance with  
18      such applicable requirements with respect to which  
19      the State was not in compliance; and

20              “(2) has made, through appropriate executive  
21      or legislative action, an unequivocal commitment to  
22      achieving full compliance with such applicable re-  
23      quirements within a reasonable time.”; and

24              (3) in subsection (d)—

1 (A) by striking “allotment” and inserting  
 2 “allocation”; and

3 (B) by striking “subsection (a) (12)(A),  
 4 (13), (14) and (23)” each place it appears and  
 5 inserting “paragraphs (11), (12), (13), and  
 6 (22) of subsection (a)”.

7 **SEC. 4259. JUVENILE DELINQUENCY PREVENTION BLOCK**  
 8 **GRANT PROGRAM.**

9 Title II of the Juvenile Justice and Delinquency Pre-  
 10 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
 11 by inserting after part I, as added by section 4217 of this  
 12 title, the following:

13 **“PART J—JUVENILE DELINQUENCY PREVENTION**  
 14 **BLOCK GRANT PROGRAM**

15 **“SEC. 292. AUTHORITY TO MAKE GRANTS.**

16 “The Administrator may make grants to eligible  
 17 States, from funds allocated under section 292A, for the  
 18 purpose of providing financial assistance to eligible entities  
 19 to carry out projects designed to prevent juvenile delin-  
 20 quency, including—

21 “(1) projects that assist in holding juveniles ac-  
 22 countable for their actions, including the use of  
 23 neighborhood courts or panels that increase victim  
 24 satisfaction and require juveniles to make restitu-

1       tion, or perform community service, for the damage  
2       caused by their delinquent acts;

3           “(2) projects that provide treatment to juvenile  
4       offenders who are victims of child abuse or neglect,  
5       and to their families, in order to reduce the likeli-  
6       hood that such juvenile offenders will commit subse-  
7       quent violations of law;

8           “(3) educational projects or supportive services  
9       for delinquent or other juveniles—

10           “(A) to encourage juveniles to remain in  
11       elementary and secondary schools or in alter-  
12       native learning situations in educational set-  
13       tings;

14           “(B) to provide services to assist juveniles  
15       in making the transition to the world of work  
16       and self-sufficiency;

17           “(C) to assist in identifying learning dif-  
18       ficulties (including learning disabilities);

19           “(D) to prevent unwarranted and arbitrary  
20       suspensions and expulsions;

21           “(E) to encourage new approaches and  
22       techniques with respect to the prevention of  
23       school violence and vandalism;

24           “(F) which assist law enforcement per-  
25       sonnel and juvenile justice personnel to more ef-

1           fectively recognize and provide for learning-dis-  
 2           abled and other disabled juveniles; or

3           “(G) which develop locally coordinated  
 4           policies and programs among education, juve-  
 5           nile justice, and social service agencies;

6           “(4) projects which expand the use of probation  
 7           officers—

8           “(A) particularly for the purpose of per-  
 9           mitting nonviolent juvenile offenders (including  
 10          status offenders) to remain at home with their  
 11          families as an alternative to incarceration or in-  
 12          stitutionalization; and

13          “(B) to ensure that juveniles follow the  
 14          terms of their probation;

15          “(5) one-on-one mentoring projects that are de-  
 16          signed to link at-risk juveniles and juvenile offenders  
 17          who did not commit serious crime, particularly juve-  
 18          niles residing in high-crime areas and juveniles expe-  
 19          riencing educational failure, with responsible adults  
 20          (such as law enforcement officers, adults working  
 21          with local businesses, and adults working for com-  
 22          munity-based organizations and agencies) who are  
 23          properly screened and trained;

24          “(6) community-based projects and services (in-  
 25          cluding literacy and social service programs) which

1 work with juvenile offenders, including those from  
2 families with limited English-speaking proficiency,  
3 their parents, their siblings, and other family mem-  
4 bers during and after incarceration of the juvenile  
5 offenders, in order to strengthen families, to allow  
6 juvenile offenders to be retained in their homes, and  
7 to prevent the involvement of other juvenile family  
8 members in delinquent activities;

9 “(7) projects designed to provide for the treat-  
10 ment of juveniles for dependence on or abuse of al-  
11 cohol, drugs, or other harmful substances;

12 “(8) projects which leverage funds to provide  
13 scholarships for postsecondary education and train-  
14 ing for low-income juveniles who reside in neighbor-  
15 hoods with high rates of poverty, violence, and drug-  
16 related crimes;

17 “(9) projects which provide for an initial intake  
18 screening of each juvenile taken into custody—

19 “(A) to determine the likelihood that such  
20 juvenile will commit a subsequent offense; and

21 “(B) to provide appropriate interventions,  
22 including mental health services and substance  
23 abuse treatment, to prevent such juvenile from  
24 committing subsequent offenses;



1           “(10) projects (including school- or community-  
2           based projects) that are designed to prevent, and re-  
3           duce the rate of, the participation of juveniles in  
4           gangs that commit crimes (particularly violent  
5           crimes), that unlawfully use firearms and other  
6           weapons, or that unlawfully traffic in drugs and that  
7           involve, to the extent practicable, families and other  
8           community members (including law enforcement per-  
9           sonnel and members of the business community) in  
10          the activities conducted under such projects;

11          “(11) comprehensive juvenile justice and delin-  
12          quency prevention projects that meet the needs of  
13          juveniles through the collaboration of the many local  
14          service systems juveniles encounter, including  
15          schools, courts, law enforcement agencies, child pro-  
16          tection agencies, mental health agencies, welfare  
17          services, health care agencies, and private nonprofit  
18          agencies offering services to juveniles;

19          “(12) to develop, implement, and support, in  
20          conjunction with public and private agencies, organi-  
21          zations, and businesses, projects for the employment  
22          of juveniles and referral to job training programs  
23          (including referral to Federal job training pro-  
24          grams);

1           “(13) delinquency prevention activities which  
2       involve youth clubs, sports, recreation and parks,  
3       peer counseling and teaching, the arts, leadership  
4       development, community service, volunteer service,  
5       before- and after-school programs, violence preven-  
6       tion activities, mediation skills training, camping,  
7       environmental education, ethnic or cultural enrich-  
8       ment, tutoring, and academic enrichment;

9           “(14) family strengthening activities, such as  
10      mutual support groups for parents and their chil-  
11      dren;

12          “(15) programs that encourage social com-  
13      petencies, problem-solving skills, and communication  
14      skills, youth leadership, and civic involvement;

15          “(16) programs that focus on the needs of  
16      young girls at-risk of delinquency or status offenses;  
17      and

18          “(17) other activities that are likely to prevent  
19      juvenile delinquency.

20   **“SEC. 292A. ALLOCATION.**

21      “Funds appropriated to carry out this part shall be  
22   allocated among eligible States as follows:

23          “(1) 0.75 percent shall be allocated to each  
24      State.

1           “(2) Of the total amount remaining after the  
2           allocation under paragraph (1), there shall be allo-  
3           cated to each State as follows:

4                   “(A) 50 percent of such amount shall be  
5                   allocated proportionately based on the popu-  
6                   lation that is less than 18 years of age in the  
7                   eligible States.

8                   “(B) 50 percent of such amount shall be  
9                   allocated proportionately based on the annual  
10                  average number of arrests for serious crimes  
11                  committed in the eligible States by juveniles  
12                  during the then most recently completed period  
13                  of 3 consecutive calendar years for which suffi-  
14                  cient information is available to the Adminis-  
15                  trator.

16 **“SEC. 292B. ELIGIBILITY OF STATES.**

17           “(a) APPLICATION.—To be eligible to receive a grant  
18           under section 292, a State shall submit to the Adminis-  
19           trator an application that contains the following:

20                   “(1) An assurance that the State will use—

21                           “(A) not more than 5 percent of such  
22                   grant, in the aggregate, for—

23                                   “(i) the costs incurred by the State to  
24                   carry out this part; and

1                   “(ii) to evaluate, and provide technical  
2                   assistance relating to, projects and activi-  
3                   ties carried out with funds provided under  
4                   this part; and

5                   “(B) the remainder of such grant to make  
6                   grants under section 292C.

7                   “(2) An assurance that, and a detailed descrip-  
8                   tion of how, such grant will support, and not sup-  
9                   plant State and local efforts to prevent juvenile de-  
10                  linquency.

11                  “(3) An assurance that such application was  
12                  prepared after consultation with and participation by  
13                  community-based organizations, and organizations in  
14                  the local juvenile justice system, that carry out pro-  
15                  grams, projects, or activities to prevent juvenile de-  
16                  linquency.

17                  “(4) An assurance that each eligible entity de-  
18                  scribed in section 292C(a) that receives an initial  
19                  grant under section 292 to carry out a project or ac-  
20                  tivity shall also receive an assurance from the State  
21                  that such entity will receive from the State, for the  
22                  subsequent fiscal year to carry out such project or  
23                  activity, a grant under such section in an amount  
24                  that is proportional, based on such initial grant and  
25                  on the amount of the grant received under section

1       292 by the State for such subsequent fiscal year, but  
 2       that does not exceed the amount specified for such  
 3       subsequent fiscal year in such application as ap-  
 4       proved by the State.

5           “(5) Such other information and assurances as  
 6       the Administrator may reasonably require by rule.

7       “(b) APPROVAL OF APPLICATIONS.—

8           “(1) APPROVAL REQUIRED.—Subject to para-  
 9       graph (2), the Administrator shall approve an appli-  
 10      cation, and amendments to such application sub-  
 11      mitted in subsequent fiscal years, that satisfy the re-  
 12      quirements of subsection (a).

13          “(2) LIMITATION.—The Administrator may not  
 14      approve such application (including amendments to  
 15      such application) for a fiscal year unless—

16           “(A)(i) the State submitted a plan under  
 17      section 223 for such fiscal year; and

18           “(ii) such plan is approved by the Adminis-  
 19      trator for such fiscal year; or

20           “(B) the Administrator waives the applica-  
 21      tion of subparagraph (A) to such State for such  
 22      fiscal year, after finding good cause for such a  
 23      waiver.

24   **“SEC. 292C. GRANTS FOR LOCAL PROJECTS.**

25          “(a) SELECTION FROM AMONG APPLICATIONS.—

1           “(1) IN GENERAL.—Using a grant received  
2           under section 292, a State may make grants to eligi-  
3           ble entities whose applications are received by the  
4           State in accordance with subsection (b) to carry out  
5           projects and activities described in section 292.

6           “(2) For purposes of making grants under this  
7           section, the State shall give special consideration to  
8           eligible entities that—

9                   “(A) propose to carry out such projects in  
10                  geographical areas in which there is—

11                           “(i) a disproportionately high level of  
12                           serious crime committed by juveniles; or

13                           “(ii) a recent rapid increase in the  
14                           number of nonstatus offenses committed  
15                           by juveniles;

16                   “(B)(i) agreed to carry out such projects  
17                   or activities that are multidisciplinary and in-  
18                   volve 2 or more eligible entities; or

19                           “(ii) represent communities that have a  
20                           comprehensive plan designed to identify at-risk  
21                           juveniles and to prevent or reduce the rate of  
22                           juvenile delinquency, and that involve other en-  
23                           tities operated by individuals who have a dem-  
24                           onstrated history of involvement in activities de-  
25                           signed to prevent juvenile delinquency; and

1           “(C) the amount of resources (in cash or  
2           in kind) such entities will provide to carry out  
3           such projects and activities.

4           “(b) RECEIPT OF APPLICATIONS.—

5           “(1) IN GENERAL.—Subject to paragraph (2), a  
6           unit of general local government shall submit to the  
7           State simultaneously all applications that are—

8           “(A) timely received by such unit from eli-  
9           gible entities; and

10          “(B) determined by such unit to be con-  
11          sistent with a current plan formulated by such  
12          unit for the purpose of preventing, and reduc-  
13          ing the rate of, juvenile delinquency in the geo-  
14          graphical area under the jurisdiction of such  
15          unit.

16          “(2) DIRECT SUBMISSION TO STATE.—If an ap-  
17          plication submitted to such unit by an eligible entity  
18          satisfies the requirements specified in subparagraphs  
19          (A) and (B) of paragraph (1), such entity may sub-  
20          mit such application directly to the State.

21   **“SEC. 292D. ELIGIBILITY OF ENTITIES.**

22          “(a) ELIGIBILITY.—Subject to subsections (b) and  
23          except as provided in subsection (c), to be eligible to re-  
24          ceive a grant under section 292C, a community-based or-  
25          ganization, local juvenile justice system officials (including

1 prosecutors, police officers, judges, probation officers, pa-  
2 role officers, and public defenders), local education author-  
3 ity (as defined in section 14101 of the Elementary and  
4 Secondary Education Act of 1965 and including a school  
5 within such authority), nonprofit private organization,  
6 unit of general local government, or social service provider,  
7 and or other entity with a demonstrated history of involve-  
8 ment in the prevention of juvenile delinquency, shall sub-  
9 mit to a unit of general local government an application  
10 that contains the following:

11           “(1) An assurance that such applicant will use  
12           such grant, and each such grant received for the  
13           subsequent fiscal year, to carry out throughout a 2-  
14           year period a project or activity described in reason-  
15           able detail, and of a kind described in 1 or more  
16           of paragraphs (1) through (14) of section 292 as  
17           specified in, such application.

18           “(2) A statement of the particular goals such  
19           project or activity is designed to achieve, and the  
20           methods such entity will use to achieve, and assess  
21           the achievement of, each of such goals.

22           “(3) A statement identifying the research (if  
23           any) such entity relied on in preparing such applica-  
24           tion.



1       “(b) REVIEW AND SUBMISSION OF APPLICATIONS.—

2   Except as provided in subsection (c), an entity shall not  
3   be eligible to receive a grant under section 292C unless—

4               “(1) such entity submits to a unit of general  
5       local government an application that—

6                       “(A) satisfies the requirements specified in  
7       subsection (a); and

8                       “(B) describes a project or activity to be  
9       carried out in the geographical area under the  
10      jurisdiction of such unit; and

11               “(2) such unit determines that such project or  
12      activity is consistent with a current plan formulated  
13      by such unit for the purpose of preventing, and re-  
14      ducing the rate of, juvenile delinquency in the geo-  
15      graphical area under the jurisdiction of such unit.

16      “(c) LIMITATION.—If an entity that receives a grant  
17   under section 292C to carry out a project or activity for  
18   a 2-year period, and receives technical assistance from the  
19   State or the Administrator after requesting such technical  
20   assistance (if any), fails to demonstrate, before the expira-  
21   tion of such 2-year period, that such project or such activ-  
22   ity has achieved substantial success in achieving the goals  
23   specified in the application submitted by such entity to  
24   receive such grants, then such entity shall not be eligible

1 to receive any subsequent grant under such section to con-  
 2 tinue to carry out such project or activity.”.

3 **SEC. 4260. RESEARCH; EVALUATION; TECHNICAL ASSIST-**  
 4 **ANCE; TRAINING.**

5 Title II of the Juvenile Justice and Delinquency Pre-  
 6 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
 7 by inserting after part J, as added by section 4259 of this  
 8 title, the following:

9 **“PART K—RESEARCH; EVALUATION; TECHNICAL**  
 10 **ASSISTANCE; TRAINING**

11 **“SEC. 293. RESEARCH AND EVALUATION; STATISTICAL**  
 12 **ANALYSES; INFORMATION DISSEMINATION.**

13 “(a) RESEARCH AND EVALUATION.—(1) The Admin-  
 14 istrator may—

15 “(A) plan and identify, after consultation with  
 16 the Director of the National Institute of Justice, the  
 17 purposes and goals of all agreements carried out  
 18 with funds provided under this subsection; and

19 “(B) make agreements with the National Insti-  
 20 tute of Justice or, subject to the approval of the As-  
 21 sistant Attorney General for the Office of Justice  
 22 Programs, with another Federal agency authorized  
 23 by law to conduct research or evaluation in juvenile  
 24 justice matters, for the purpose of providing re-  
 25 search and evaluation relating to—

1           “(i) the prevention, reduction, and control  
2           of juvenile delinquency and serious crime com-  
3           mitted by juveniles;

4           “(ii) the link between juvenile delinquency  
5           and the incarceration of members of the fami-  
6           lies of juveniles;

7           “(iii) successful efforts to prevent first-  
8           time minor offenders from committing subse-  
9           quent involvement in serious crime;

10           “(iv) successful efforts to prevent recidi-  
11           vism;

12           “(v) the juvenile justice system;

13           “(vi) juvenile violence; and

14           “(vii) other purposes consistent with the  
15           purposes of this title and title I.

16           “(2) The Administrator shall ensure that an equi-  
17           table amount of funds available to carry out paragraph  
18           (1)(B) is used for research and evaluation relating to the  
19           prevention of juvenile delinquency.

20           “(b) STATISTICAL ANALYSES.—The Administrator  
21           may—

22           “(1) plan and identify, after consultation with  
23           the Director of the Bureau of Justice Statistics, the  
24           purposes and goals of all agreements carried out  
25           with funds provided under this subsection; and

1           “(2) make agreements with the Bureau of Jus-  
2       tice Statistics, or subject to the approval of the As-  
3       sistant Attorney General for the Office of Justice  
4       Programs, with another Federal agency authorized  
5       by law to undertake statistical work in juvenile jus-  
6       tice matters, for the purpose of providing for the col-  
7       lection, analysis, and dissemination of statistical  
8       data and information relating to juvenile delinquency  
9       and serious crimes committed by juveniles, to the ju-  
10      venile justice system, to juvenile violence, and to  
11      other purposes consistent with the purposes of this  
12      title and title I.

13       “(c) COMPETITIVE SELECTION PROCESS.—The Ad-  
14      ministrators shall use a competitive process, established by  
15      rule by the Administrator, to carry out subsections (a) and  
16      (b).

17       “(d) IMPLEMENTATION OF AGREEMENTS.—A Fed-  
18      eral agency that makes an agreement under subsections  
19      (a)(1)(B) and (b)(2) with the Administrator may carry out  
20      such agreement directly or by making grants to or con-  
21      tracts with public and private agencies, institutions, and  
22      organizations.

23       “(e) INFORMATION DISSEMINATION.—The Adminis-  
24      trator may—

1           “(1) review reports and data relating to the ju-  
2       venile justice system in the United States and in for-  
3       eign nations (as appropriate), collect data and infor-  
4       mation from studies and research into all aspects of  
5       juvenile delinquency (including the causes, preven-  
6       tion, and treatment of juvenile delinquency) and se-  
7       rious crimes committed by juveniles;

8           “(2) establish and operate, directly or by con-  
9       tract, a clearinghouse and information center for the  
10      preparation, publication, and dissemination of infor-  
11      mation relating to juvenile delinquency, including  
12      State and local prevention and treatment programs,  
13      plans, resources, and training and technical assist-  
14      ance programs; and

15          “(3) make grants and contracts with public and  
16      private agencies, institutions, and organizations, for  
17      the purpose of disseminating information to rep-  
18      resentatives and personnel of public and private  
19      agencies, including practitioners in juvenile justice,  
20      law enforcement, the courts, corrections, schools,  
21      and related services, in the establishment, implemen-  
22      tation, and operation of projects and activities for  
23      which financial assistance is provided under this  
24      title.

1 **“SEC. 293A. TRAINING AND TECHNICAL ASSISTANCE.**

2 “(a) TRAINING.—The Administrator may—

3 “(1) develop and carry out projects for the pur-  
4 pose of training representatives and personnel of  
5 public and private agencies, including practitioners  
6 in juvenile justice, law enforcement, courts, correc-  
7 tions, schools, and related services, to carry out the  
8 purposes specified in section 102; and

9 “(2) make grants to and contracts with public  
10 and private agencies, institutions, and organizations  
11 for the purpose of training representatives and per-  
12 sonnel of public and private agencies, including prac-  
13 titioners in juvenile justice, law enforcement, courts,  
14 corrections, schools, and related services, to carry  
15 out the purposes specified in section 102.

16 “(b) TECHNICAL ASSISTANCE.—The Administrator  
17 may—

18 “(1) develop and implement projects for the  
19 purpose of providing technical assistance to rep-  
20 resentatives and personnel of public and private  
21 agencies and organizations, including practitioners  
22 in juvenile justice, law enforcement, courts, correc-  
23 tions, schools, and related services, in the establish-  
24 ment, implementation, and operation of programs,  
25 projects, and activities for which financial assistance  
26 is provided under this title; and

1           “(2) make grants to and contracts with public  
 2           and private agencies, institutions, and organizations,  
 3           for the purpose of providing technical assistance to  
 4           representatives and personnel of public and private  
 5           agencies, including practitioners in juvenile justice,  
 6           law enforcement, courts, corrections, schools, and re-  
 7           lated services, in the establishment, implementation,  
 8           and operation of programs, projects, and activities  
 9           for which financial assistance is provided under this  
 10          title.”.

11 **SEC. 4261. DEMONSTRATION PROJECTS.**

12          Title II of the Juvenile Justice and Delinquency Pre-  
 13          vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended  
 14          by inserting after part K, as added by section 4260 of  
 15          this title, the following:

16 **“PART L—DEVELOPING, TESTING, AND DEM-**  
 17 **ONSTRATING PROMISING NEW INITIATIVES**  
 18 **AND PROGRAMS**

19 **“SEC. 294. GRANTS AND PROJECTS.**

20          “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-  
 21          trator may make grants to and contracts with States,  
 22          units of general local government, Indian tribal govern-  
 23          ments, public and private agencies, organizations, and in-  
 24          dividuals, or combinations thereof, to carry out projects  
 25          for the development, testing, and demonstration of prom-

1 ising initiatives and programs for the prevention, control,  
2 or reduction of juvenile delinquency. The Administrator  
3 shall ensure that, to the extent reasonable and practicable,  
4 such grants are made to achieve an equitable geographical  
5 distribution of such projects throughout the United  
6 States.

7 “(b) USE OF GRANTS.—A grant made under sub-  
8 section (a) may be used to pay all or part of the cost of  
9 the project for which such grant is made.

10 **“SEC. 294A. GRANTS FOR TECHNICAL ASSISTANCE.**

11 “The Administrator may make grants to and con-  
12 tracts with public and private agencies, organizations, and  
13 individuals to provide technical assistance to States, units  
14 of general local government, Indian tribal governments,  
15 local private entities or agencies, or any combination  
16 thereof, to carry out the projects for which grants are  
17 made under section 261.

18 **“SEC. 294B. ELIGIBILITY.**

19 “To be eligible to receive a grant made under this  
20 part, a public or private agency, Indian tribal government,  
21 organization, institution, individual, or combination there-  
22 of shall submit an application to the Administrator at such  
23 time, in such form, and containing such information as  
24 the Administrator may reasonable require by rule.



1 **“SEC. 294C. REPORTS.**

2 “Recipients of grants made under this part shall sub-  
3 mit to the Administrator such reports as may be reason-  
4 ably requested by the Administrator to describe progress  
5 achieved in carrying the projects for which such grants  
6 are made.”.

7 **SEC. 4262. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 299 of the Juvenile Justice and Delinquency  
9 Prevention Act of 1974 (42 U.S.C. 5671) is amended—  
10 (1) by striking subsection (e); and  
11 (2) by striking subsections (a) and (b), and in-  
12 serting the following:

13 “(a) AUTHORIZATION OF APPROPRIATIONS FOR  
14 TITLE II.—

15 “(1) IN GENERAL.—There are authorized to be  
16 appropriated to carry out this title such sums as  
17 may be appropriate for fiscal years 2002, 2003, and  
18 2004.

19 “(2) ALLOCATION.—Of the amount made avail-  
20 able for each fiscal year to carry out this title not  
21 more than 5 percent shall be available to carry out  
22 part A.

23 **SEC. 4263. ADMINISTRATIVE AUTHORITY.**

24 Section 299A(d) of the Juvenile Justice and Delin-  
25 quency Prevention Act of 1974 (42 U.S.C. 5672) is  
26 amended by striking “as are consistent with the purpose

1 of this Act” and inserting “only to the extent necessary  
2 to ensure that there is compliance with the specific re-  
3 quirements of this title or to respond to requests for clari-  
4 fication and guidance relating to such compliance”.

5 **SEC. 4264. USE OF FUNDS.**

6 Section 299C of the Juvenile Justice and Delin-  
7 quency Prevention Act of 1974 (42 U.S.C. 5674) is  
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “may be used for”;

11 (B) in paragraph (1), by inserting “may be  
12 used for” after “(1)”; and

13 (C) by striking paragraph (2) and insert-  
14 ing the following:

15 “(2) may not be used for the cost of construc-  
16 tion of any short- or long-term facilities for adult or  
17 juvenile offenders, except not more than 15 percent  
18 of the funds received under this title by a State for  
19 a fiscal year may be used for the purpose of ren-  
20 ovating or replacing juvenile facilities.”;

21 (2) by striking subsection (b); and

22 (3) by redesignating subsection (c) as sub-  
23 section (b).

1 **SEC. 4265. LIMITATION ON USE OF FUNDS.**

2 Part M of title II of the Juvenile Justice and Delin-  
 3 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
 4 as redesignated by section 4217 of this title, is amended  
 5 by adding at the end the following:

6 **“SEC. 299F. LIMITATION ON USE OF FUNDS.**

7 “None of the funds made available to carry out this  
 8 title may be used to advocate for, or support, the unse-  
 9 cured release of juveniles who are charged with a violent  
 10 crime.”.

11 **SEC. 4266. RULES OF CONSTRUCTION.**

12 Part M of title II of the Juvenile Justice and Delin-  
 13 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
 14 as amended by section 4265 of this title, is amended by  
 15 adding at the end the following:

16 **“SEC. 299G. RULES OF CONSTRUCTION.**

17 “Nothing in this title or title I may be construed—

18 “(1) to prevent financial assistance from being  
 19 awarded through grants under this title to any oth-  
 20 erwise eligible organization; or

21 “(2) to modify or affect any Federal or State  
 22 law relating to collective bargaining rights of em-  
 23 ployees.”.

24 **SEC. 4267. LEASING SURPLUS FEDERAL PROPERTY.**

25 Part M of title II of the Juvenile Justice and Delin-  
 26 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),

1 as amended by section 4266 of this title, is amended by  
2 adding at the end the following:

3 **“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

4 “The Administrator may receive surplus Federal  
5 property (including facilities) and may lease such property  
6 to States and units of general local government for use  
7 in or as facilities for juvenile offenders, or for use in or  
8 as facilities for delinquency prevention and treatment ac-  
9 tivities.”.

10 **SEC. 4268. ISSUANCE OF RULES.**

11 Part M of title II of the Juvenile Justice and Delin-  
12 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),  
13 as amended by section 4267 of this title, is amended by  
14 adding at the end the following:

15 **“SEC. 299I. ISSUANCE OF RULES.**

16 “The Administrator shall issue rules to carry out this  
17 title, including rules that establish procedures and meth-  
18 ods for making grants and contracts, and distributing  
19 funds available, to carry out this title.”.

20 **SEC. 4269. TECHNICAL AND CONFORMING AMENDMENTS.**

21 (a) TECHNICAL AMENDMENTS.—The Juvenile Jus-  
22 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
23 5601 et seq.) is amended—

1           (1) in section 202(b), by striking “prescribed  
2           for GS–18 of the General Schedule by section 5332”  
3           and inserting “payable under section 5376”;

4           (2) in section 221(b)(2), by striking the last  
5           sentence; and

6           (3) in section 299D, by striking subsection (d).

7           (b) CONFORMING AMENDMENTS.—

8           (1) TITLE 5.—Section 5315 of title 5, United  
9           States Code, is amended by striking “Office of Juve-  
10          nile Justice and Delinquency Prevention” and in-  
11          serting “Office of Juvenile Crime Control and Delin-  
12          quency Prevention”.

13          (2) TITLE 18.—Section 4351(b) of title 18,  
14          United States Code, is amended by striking “Office  
15          of Juvenile Justice and Delinquency Prevention”  
16          and inserting “Office of Juvenile Crime Control and  
17          Delinquency Prevention”.

18          (3) TITLE 39.—Subsections (a)(1) and (c) of  
19          section 3220 of title 39, United States Code, is  
20          amended by striking “Office of Juvenile Justice and  
21          Delinquency Prevention” each place it appears and  
22          inserting “Office of Juvenile Crime Control and De-  
23          linquency Prevention”.

24          (4) SOCIAL SECURITY ACT.—Section 463(f) of  
25          the Social Security Act (42 U.S.C. 663(f)) is amend-

ed by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Delinquency Prevention”.

(5) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are each amended by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Delinquency Prevention”.

(6) VICTIMS OF CHILD ABUSE ACT OF 1990.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1), by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”;

(B) in section 214A(c)(1), by striking “262, 293, and 296 of subpart II of title II” and inserting “299B and 299E”;

(C) in sections 217 and 222, by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting

1 “Office of Juvenile Crime Control and Delin-  
 2 quency Prevention”; and

3 (D) in section 223(c), by striking “section  
 4 262, 293, and 296” and inserting “sections  
 5 262, 299B, and 299E”.

6 (7) MISSING CHILDREN’S ASSISTANCE.—The  
 7 Missing Children’s Assistance Act (42 U.S.C. 5771  
 8 et seq.) is amended—

9 (A) in section 403(2), by striking “Justice  
 10 and Delinquency Prevention” and inserting  
 11 “Crime Control and Delinquency Prevention”;  
 12 and

13 (B) in subsections (a)(5)(E) and (b)(1)(B)  
 14 of section 404, by striking “section 313” and  
 15 inserting “section 331”.

16 (8) CRIME CONTROL ACT OF 1990.—The Crime  
 17 Control Act of 1990 (42 U.S.C. 13001 et seq.) is  
 18 amended—

19 (A) in section 217(c)(1), by striking “sec-  
 20 tions 262, 293, and 296 of subpart II of title  
 21 II” and inserting “sections 299B and 299E”;  
 22 and

23 (B) in section 223(c), by striking “section  
 24 262, 293, and 296 of title II” and inserting  
 25 “sections 299B and 299E”.

1 **SEC. 4270. REFERENCES.**

2 In any Federal law (excluding this Act and the Acts  
3 amended by this Act), Executive order, rule, regulation,  
4 order, delegation of authority, grant, contract, suit, or  
5 document—

6 (1) a reference to the Office of Juvenile Justice  
7 and Delinquency Prevention shall be deemed to in-  
8 clude a reference to the Office of Juvenile Crime  
9 Control and Delinquency Prevention, and

10 (2) a reference to the National Institute for Ju-  
11 venile Justice and Delinquency Prevention shall be  
12 deemed to include a reference to Office of Juvenile  
13 Crime Control and Delinquency Prevention.

14 **PART 6—LOCAL GUN VIOLENCE PREVENTION**  
15 **PROGRAMS**

16 **SEC. 4271. COMPETITIVE GRANTS FOR CHILDREN'S FIRE-**  
17 **ARM SAFETY EDUCATION.**

18 (a) PURPOSES.—The purposes of this section are—

19 (1) to award grants to assist local educational  
20 agencies, in consultation with community groups and  
21 law enforcement agencies, to educate children about  
22 preventing gun violence; and

23 (2) to assist communities in developing partner-  
24 ships between public schools, community organiza-  
25 tions, law enforcement, and parents in educating  
26 children about preventing gun violence.



1 (b) DEFINITIONS.—In this section:

2 (1) LOCAL EDUCATIONAL AGENCY.—The term  
3 “local educational agency” has the same meaning  
4 given such term in section 14101 of the Elementary  
5 and Secondary Education Act of 1965 (20 U.S.C.  
6 8801).

7 (2) SECRETARY.—The term “Secretary” means  
8 the Secretary of Education.

9 (3) STATE.—The term “State” means each of  
10 the 50 States, the District of Columbia, the Com-  
11 monwealth of Puerto Rico, Guam, American Samoa,  
12 the Commonwealth of the Northern Mariana Is-  
13 lands, and the United States Virgin Islands.

14 (c) ALLOCATION OF COMPETITIVE GRANTS.—

15 (1) GRANTS BY THE SECRETARY.—For any fis-  
16 cal year in which the amount appropriated to carry  
17 out this section does not equal or exceed  
18 \$50,000,000, the Secretary of Education may award  
19 competitive grants described under subsection (d).

20 (2) GRANTS BY THE STATES.—For any fiscal  
21 year in which the amount appropriated to carry out  
22 this section exceeds \$50,000,000, the Secretary shall  
23 make allotments to State educational agencies pur-  
24 suant to paragraph (3) to award competitive grants  
25 described in subsection (d).

1           (3) FORMULA.—Except as provided in para-  
2 graph (4), funds appropriated to carry out this sec-  
3 tion shall be allocated among the States as follows:

4           (A) MINORS.—75 percent of such amount  
5 shall be allocated proportionately based upon  
6 the population that is less than 18 years of age  
7 in the State.

8           (B) INCARCERATED MINORS.—25 percent  
9 of such amount shall be allocated proportion-  
10 ately based upon the population that is less  
11 than 18 years of age in the State that is incar-  
12 cerated.

13          (4) MINIMUM ALLOTMENT.—Of the amounts  
14 appropriated to carry out this section, 0.50 percent  
15 shall be allocated to each State.

16          (d) AUTHORIZATION OF COMPETITIVE GRANTS.—  
17 The Secretary or the State educational agency, as the case  
18 may be, may award grants to eligible local educational  
19 agencies for the purposes of educating children about pre-  
20 venting gun violence, in accordance with the following:

21           (1) ASSURANCES.—

22           (A) AMOUNT OF FUNDS DISTRIBUTED.—  
23 The Secretary or the State educational agency,  
24 as the case may be, shall ensure that not less  
25 than 90 percent of the funds allotted under this

1 section are distributed to local educational  
2 agencies.

3 (B) DISTRIBUTION.—In awarding the  
4 grants, the Secretary or the State educational  
5 agency, as the case may be, shall ensure, to the  
6 maximum extent practicable—

7 (i) an equitable geographic distribu-  
8 tion of grant awards;

9 (ii) an equitable distribution of grant  
10 awards among programs that serve public  
11 elementary school students, public sec-  
12 ondary school students, and a combination  
13 of both; and

14 (iii) that urban, rural and suburban  
15 areas are represented within the grants  
16 that are awarded.

17 (2) PRIORITY.—In awarding grants under this  
18 section, the Secretary or the State educational agen-  
19 cy, as the case may be, shall give priority to a local  
20 educational agency that—

21 (A) coordinates with other Federal, State,  
22 and local programs that educate children about  
23 personal health, safety, and responsibility, in-  
24 cluding programs carried out under the Safe

1 and Drug-Free Schools and Communities Act  
2 of 1994 (20 U.S.C. 7101 et seq.);

3 (B) serves a population with a high inci-  
4 dence of students found in possession of a  
5 weapon on school property or students sus-  
6 pended or expelled for bringing a weapon onto  
7 school grounds or engaging in violent behavior  
8 on school grounds; and

9 (C) forms a partnership that includes not  
10 less than 1 local educational agency working in  
11 consultation with not less than 1 public or pri-  
12 vate nonprofit agency or organization with ex-  
13 perience in violence prevention or 1 local law  
14 enforcement agency.

15 (3) PEER REVIEW; CONSULTATION.—

16 (A) IN GENERAL.—

17 (i) PEER REVIEW BY PANEL.—Before  
18 grants are awarded, the Secretary shall  
19 submit grant applications to a peer review  
20 panel for evaluation.

21 (ii) COMPOSITION OF PANEL.—The  
22 panel shall be composed of not less than 1  
23 representative from a local educational  
24 agency, State educational agency, a local  
25 law enforcement agency, and a public or

1 private nonprofit organization with experi-  
 2 ence in violence prevention.

3 (B) CONSULTATION.—The Secretary shall  
 4 submit grant applications to the Attorney Gen-  
 5 eral for consultation.

6 (e) ELIGIBLE GRANT RECIPIENTS.—

7 (1) IN GENERAL.—Except as provided in para-  
 8 graph (2), an eligible grant recipient is a local edu-  
 9 cational agency that may work in partnership with  
 10 1 or more of the following:

11 (A) A public or private nonprofit agency or  
 12 organization with experience in violence preven-  
 13 tion.

14 (B) A local law enforcement agency.

15 (C) An institution of higher education.

16 (2) EXCEPTION.—A State educational agency  
 17 may, with the approval of a local educational agency,  
 18 submit an application on behalf of such local edu-  
 19 cational agency or a consortium of such agencies.

20 (f) LOCAL APPLICATIONS; REPORTS.—

21 (1) APPLICATIONS.—Each local educational  
 22 agency that wishes to receive a grant under this sec-  
 23 tion shall submit an application to the Secretary and  
 24 the State educational agency that includes—

1 (A) a description of the proposed activities  
2 to be funded by the grant and how each activity  
3 will further the goal of educating children about  
4 preventing gun violence;

5 (B) how the program will be coordinated  
6 with other programs that educate children  
7 about personal health, safety, and responsi-  
8 bility, including programs carried out under the  
9 Safe and Drug-Free Schools and Communities  
10 Act of 1994 (20 U.S.C. 7101 et seq.); and

11 (C) the age and number of children that  
12 the programs will serve.

13 (2) REPORTS.—Each local educational agency  
14 that receives a grant under this section shall submit  
15 a report to the Secretary and to the State edu-  
16 cational agency not later than 18 months after the  
17 grant is awarded and submit an additional report to  
18 the Secretary and to the State not later than 36  
19 months after the grant is awarded. Each report shall  
20 include information regarding—

21 (A) the activities conducted to educate  
22 children about gun violence;

23 (B) how the program will continue to edu-  
24 cate children about gun violence in the future;  
25 and

1           (C) how the grant is being coordinated  
2           with other Federal, State, and local programs  
3           that educate children about personal health,  
4           safety, and responsibility, including programs  
5           carried out under the Safe and Drug-Free  
6           Schools and Communities Act of 1994 (20  
7           U.S.C. 7101 et seq.).

8           (g) AUTHORIZED ACTIVITIES.—

9           (1) REQUIRED ACTIVITIES.—Grants authorized  
10          under subsection (d) shall be used for the following  
11          activities:

12               (A) Supporting existing programs that  
13               educate children about personal health, safety,  
14               and responsibility, including programs carried  
15               out under the Safe and Drug-Free Schools and  
16               Communities Act of 1994 (20 U.S.C. 7101 et  
17               seq.).

18               (B) Educating children about the effects of  
19               gun violence.

20               (C) Educating children to identify dan-  
21               gerous situations in which guns are involved  
22               and how to avoid and prevent such situations.

23               (D) Educating children how to identify  
24               threats and other indications that their peers

1 are in possession of a gun and may use a gun,  
2 and what steps they can take in such situations.

3 (E) Developing programs to give children  
4 access to adults to whom they can report, in a  
5 confidential manner, any problems relating to  
6 guns.

7 (2) PERMISSIBLE ACTIVITIES.—Grants author-  
8 ized under subsection (d) may be used for the fol-  
9 lowing:

10 (A) Encouraging schoolwide programs and  
11 partnerships that involve teachers, students,  
12 parents, administrators, other staff, and mem-  
13 bers of the community in reducing gun inci-  
14 dents in public elementary and secondary  
15 schools.

16 (B) Establishing programs that assist par-  
17 ents in helping educate their children about  
18 firearm safety and the prevention of gun vio-  
19 lence.

20 (C) Providing ongoing professional devel-  
21 opment for public school staff and administra-  
22 tors to identify the causes and effects of gun vi-  
23 olence and risk factors and student behavior  
24 that may result in gun violence, including train-  
25 ing sessions to review and update school crisis



1 response plans and school policies for pre-  
2 venting the presence of guns on school grounds  
3 and facilities.

4 (D) Providing technical assistance for  
5 school psychologists and counselors to provide  
6 timely counseling and evaluations, in accord-  
7 ance with State and local laws, of students who  
8 possess a weapon on school grounds.

9 (E) Improving security on public elemen-  
10 tary and secondary school campuses to prevent  
11 outside persons from entering school grounds  
12 with firearms.

13 (F) Assisting public schools and commu-  
14 nities in developing crisis response plans when  
15 firearms are found on school campuses and  
16 when gun-related incidents occur.

17 (h) STATE APPLICATIONS; ACTIVITIES AND RE-  
18 PORTS.—

19 (1) STATE APPLICATIONS.—

20 (A) CONTENTS.—Each State desiring to  
21 receive funds under this section shall, through  
22 its State educational agency, submit an applica-  
23 tion to the Secretary of Education at such time  
24 and in such manner as the Secretary shall re-  
25 quire. Such application shall describe—

1 (i) the manner in which funds under  
2 this section for State activities and com-  
3 petitive grants will be used to fulfill the  
4 purposes of this section;

5 (ii) the manner in which the activities  
6 and projects supported by this section will  
7 be coordinated with other State and Fed-  
8 eral education, law enforcement, and juve-  
9 nile justice programs, including the Safe  
10 and Drug-Free Schools and Communities  
11 Act of 1994 (20 U.S.C. 7101 et seq.);

12 (iii) the manner in which States will  
13 ensure an equitable geographic distribution  
14 of grant awards; and

15 (iv) the criteria which will be used to  
16 determine the impact and effectiveness of  
17 the funds used pursuant to this section.

18 (B) FORM.—A State educational agency  
19 may submit an application to receive a grant  
20 under this section under paragraph (1) or as an  
21 amendment to the application the State edu-  
22 cational agency submits under the Safe and  
23 Drug-Free Schools and Communities Act of  
24 1994 (20 U.S.C. 7101 et seq.).

1           (2) STATE ACTIVITIES.—Of appropriated  
2 amounts allocated to the States under subsection  
3 (c)(2), the State educational agency may reserve not  
4 more than 10 percent for activities to further the  
5 goals of this section, including—

6           (A) providing technical assistance to eligi-  
7 ble grant recipients in the State;

8           (B) performing ongoing research into the  
9 causes of gun violence among children and  
10 methods to prevent gun violence among chil-  
11 dren; and

12           (C) providing ongoing professional develop-  
13 ment for public school staff and administrators  
14 to identify the causes and indications of gun vi-  
15 olence.

16           (3) STATE REPORTS.—Each State receiving an  
17 allotment under this section shall submit a report to  
18 the Secretary and to the Committees on Health,  
19 Education, Labor, and Pensions and the Judiciary  
20 of the Senate and the Committees on Education and  
21 the Workforce and the Judiciary of the House of  
22 Representatives, not later than 12 months after re-  
23 ceipt of the grant award and shall submit an addi-  
24 tional report to those committees not later than 36

1 months after receipt of the grant award. Each re-  
2 port shall include information regarding—

3 (A) the progress of local educational agen-  
4 cies that received a grant award under this sec-  
5 tion in the State in educating children about  
6 firearms;

7 (B) the progress of State activities under  
8 paragraph (1) to advance the goals of this sec-  
9 tion; and

10 (C) how the State is coordinating funds al-  
11 located under this section with other State and  
12 Federal education, law enforcement, and juve-  
13 nile justice programs, including the Safe and  
14 Drug-Free Schools and Communities Act of  
15 1994 (20 U.S.C. 7101 et seq.).

16 (i) SUPPLEMENT NOT SUPPLANT.—A State or local  
17 educational agency shall use funds received under this sec-  
18 tion only to supplement the amount of funds that would,  
19 in the absence of such Federal funds, be made available  
20 from non-Federal sources for reducing gun violence among  
21 children and educating children about firearms, and not  
22 to supplant such funds.

23 (j) DISPLACEMENT.—A local educational agency that  
24 receives a grant award under this section shall ensure that

1 persons hired to carry out the activities under this section  
2 do not displace persons already employed.

3 (k) HOME SCHOOLS.—Nothing in this section shall  
4 be construed to affect home schools.

5 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated for this section  
7 \$60,000,000 for each of fiscal years 2002, 2003, and  
8 2004.

9 **SEC. 4272. DISSEMINATION OF BEST PRACTICES VIA THE**  
10 **INTERNET.**

11 (a) MODEL DISSEMINATION.—The Secretary of Edu-  
12 cation shall include on the Internet site of the Department  
13 of Education a description of programs that receive grants  
14 under section 4271.

15 (b) GRANT PROGRAM NOTIFICATION.—The Sec-  
16 retary shall publicize the competitive grant program  
17 through its Internet site, publications, and public service  
18 announcements.

19 **SEC. 4273. GRANT PRIORITY FOR TRACING OF GUNS USED**  
20 **IN CRIMES BY JUVENILES.**

21 Section 517 of the Omnibus Crime Control and Safe  
22 Streets Act of 1968 (42 U.S.C. 3763) is amended by add-  
23 ing at the end the following:

24 “(c) PRIORITY.—In awarding discretionary grants  
25 under section 511 to public agencies to undertake law en-

1 enforcement initiatives relating to gangs, or relating to juve-  
2 niles who are involved or at risk of involvement in gangs,  
3 the Director shall give priority to a public agency that in-  
4 cludes in its application a description of strategies or pro-  
5 grams of that public agency (either in effect or proposed)  
6 that provide cooperation between Federal, State, and local  
7 law enforcement authorities, through the use of firearms  
8 and ballistics identification systems, to disrupt illegal sale  
9 or transfer of firearms to or between juveniles through  
10 tracing the sources of guns used in crime that were pro-  
11 vided to juveniles.”.

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